

# US House Judiciary Committee approves bill to abolish visa lottery

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On July 20, the House Judiciary Committee voted 19-11 to approve the Security and Fairness Enhancement for America Act (HR 704), a bill that would eliminate the Diversity Immigrant Visa program that provides about 55,000 immigrants a legal route to permanent US residency each year. Also known as the “green card lottery,” the visa program is currently available to residents of countries with historically low rates of immigration to the US. The bill will now go before the House of Representatives.

The House Judiciary Committee passed the bill just days after a federal judge dismissed a class-action lawsuit filed by 36 individuals urging the State Department not to void the results of this year’s lottery, originally held on May 1. The case was filed in response to the State Department’s announcement on May 19 that a computer glitch had made the results from the lottery invalid and that a second lottery would have to be held, effectively dashing the hopes of thousands of people who had been made to believe they had won entry into the program.

First held in 1995, the Diversity Visa Lottery attracts millions of applicants from around the world each year. The odds of being chosen are slim, and the majority of applicants come from underdeveloped, poverty-stricken countries.

About 90,000 names are selected at random and then that number is reduced to a maximum of 55,000 through various eligibility rules, interviews and attrition. The program has provided a legal path to permanent residency to immigrants and their immediate families without relatives or job connections in the US. No skills are required beyond a high school diploma and lottery winners can eventually apply for US citizenship. Some visas are also given to people with family members residing in the US, or with links to American employers. “It can be a potentially life-changing moment,” said Crystal Williams, executive director of the American Immigration Lawyers Association.

Last year, a record 15 million people from many parts of the world submitted entries to the free visa lottery, two-and-a-half times more applicants than five years ago, when the program attracted 5.5 million applicants. While immigration scholars attribute the increase to the spread of Internet access and increased awareness of the lottery, there is no doubt the continuing global economic crisis has contributed to the

swelling number of people seeking to escape the miserable poverty and mass unemployment that plague their countries. Over 785,000 diversity visas have been issued since 1995.

If the bill is approved by the full Congress, the most affected would be those hoping to immigrate to the US from Africa, much of Southeast Asia, and parts of Eastern Europe. People living in countries from which more than 50,000 have immigrated to the US in the last five years, such as China, Mexico and Jamaica, are excluded from the diversity lottery.

This year’s lottery was originally held on May 1, but an embarrassing computer glitch led the State Department to invalidate the results and schedule another drawing. Instead of randomly selecting winners, the software chose 90 percent of those who applied during the first 48 hours of the month-long lottery. People who applied after the first two days were denied an equal chance of being selected. For those who won the lottery, this was devastating news. “Nearly 2 million applicants had already visited the results web site by the time the error was discovered and the web site taken down on May 5, and about one-fourth of the selected had learned of their selection,” according to the *Christian Science Monitor*.

Thirty-six individuals representing the 22,316 people initially selected filed a class-action lawsuit requesting that a federal court reinstate their selection and block the new drawing. The plaintiffs in the lawsuit spoke of sharing the news with their children and quitting their jobs. “In the 12 days after being notified that they had won, some of the initial winners spent money on filing fees, got married or sold land to prepare for their journeys,” their attorneys told the *Washington Post*.

On July 14, US District Judge Amy Berman Jackson sided with the State Department, dismissing the lawsuit and backing the State Department’s claim that the lottery results were not truly randomized, as required by the process. “The Court cannot order the Department of State to honor a botched process that did not satisfy that regulatory and statutory requirements” of randomization, wrote Jackson in a 35-page ruling.

The following day, attorneys for the plaintiffs released a statement in response to the cold-hearted decision. “The end result is that the American government has lost

credibility—promising 22,000 individuals the right to proceed with the immigration process and then snatching away that hope and promise. The State Department may have won in court, but it has lost the hearts and minds of 22,000 individuals from all around the world,” the statement noted.

While US government lawyers claim that filing fees will be refunded, the ruling was a heavy psychological blow even to those who were not impacted financially.

“My first thought was, ‘How could a country do something like this?’ ” Olivier Millogo told the *Washington Post*. A student at DeVry University in Alexandria, Virginia, Millogo is originally from Burkina Faso, the third poorest country in the world according to the UN and the scene of mass protests earlier this year sparked by rising food prices and mass unemployment. “The respect that I have for this country, the values that I believe that it stands for did not reflect what I was experiencing. I still do not get why they couldn’t keep their word once they made a public commitment.”

“The feeling is that the United States government does not keep its word,” a despondent Armande Gil told the *New York Times*. One of the leaders of the spurned first-round winners and a psychologist from France, Gil has spent the last 13 years working in the US on temporary visas and was thrilled when she found out her name had been selected. “They gave up on us, we were badly treated. We now know that we cannot rely on the US government’s paperwork.” Gil was not selected when the second lottery was held on July 15.

An editorial in the *Detroit Free Press* discussed the plight of one immigrant from Albania, a lottery-eligible country. Klodian Yzo, 34, entered the US “illegally” and moved to the Detroit area where his relatives lived in the hopes that he would be granted political asylum. He worked as a cook, construction worker, and an owner-operator in the auto industry. In 2007, Yzo was separated from his American-born wife when he was deported to Albania after being held for eight months in the Dickerson Detention Facility in Hamtramck, Michigan. While he was detained, Yzo says he was beaten by an immigration officer. The visa lottery may be the only hope he has of returning to the US.

The Securities and Fairness Enhancement for America Act was introduced by House Republicans, including Congressman Bob Goodlatte from Virginia. An earlier version of the bill has been passed by the House twice in recent years, but failed to win approval in the Senate. The occasion was used to hype the threat posed by international terrorism and to scapegoat foreign-born workers for the unemployment crisis. Despite the fact that all applicants must pass a series of health and criminal background checks, Goodlatte claimed the program poses a security threat.

“This flawed policy is just foolish in the age in which we live. Those in the world who wish us harm can easily engage in

this statistical gamble with nothing to lose,” he said in a press release. “Our immigration policy should be based primarily on our national needs, security and economics and not in part on an arbitrary system, lacking even minimal checks.”

“It’s an open invitation for fraud and a jackpot for terrorists,” added Lamar Smith (Republican, Texas), Chairman of the House Judiciary Committee. Neither Goodlatte nor Smith provided evidence to support their claims.

Despite the minuscule number of visas provided each year, various politicians have criticized the diversity lottery, citing the country’s high unemployment rates. “It’s hard to justify bringing an additional 50,000 in that need a job and will be competing with the 14 million Americans for jobs,” said Goodlatte in an interview.

In reality, mass unemployment is the deliberate policy of the capitalist class. It is being used to force workers into accepting lower wages and brutal speedup. Both big business parties oppose any measures to create decent-paying jobs and reduce poverty, while seeking to divide working people along national lines by associating immigration with the jobs crisis. The most reactionary rhetoric is reserved for undocumented immigrants, one of the most oppressed sections of the working class.

The crackdown on undocumented immigrants has only escalated under the Obama administration. The administration supports legislation proposed last year by Senators Charles Schumer (Democrat, New York) and Lindsey Graham (Republican, South Carolina) that would require immigrants as well as US citizens to carry biometric Social Security cards to prevent undocumented workers from getting jobs. The bill would also create a guest worker program whose beneficiaries would have virtually no rights, and step up efforts to “secure the border.”

Obama has presided over a record number of deportations. Nearly 393,000 people were deported in the fiscal year that ended September 30, 2010, half of whom were categorized as criminals.

Data recently obtained by the Associated Press from Immigration and Customs Enforcement showed that deportations stemming from drunken driving arrests last year more than doubled from their level in the last year of the Bush administration, from 10,851 to 27,635. An additional 13,028 were deported last year after being arrested on minor traffic law violations, compared to 4,527 traffic offenders deported two years earlier, according to the data. The number of people deported for immigration-related offenses has increased by 78 percent in the same period.



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