

Cutting immigration programs is no solution

by Gizie Bekele

Published: June 26, 2009

Nothing demonstrates the concept of "E Pluribus Unum" ("Out of Many, One") better than a naturalization ceremony. On June 18, I got to witness one such special ceremony. It was special not only because I saw immigrants from countries around the world become United States citizens, but also because I was one of them. It is almost a cliché to say it is a great honor to be an American Citizen, but I take this privilege very seriously, and I am sure the many others who have been given this great gift do as well.

My journey to U.S. citizenship began through the Diversity Visa program. The "DV Lottery" has drawn stiff criticism over the years from some who want to put an end to the program. National security issues and the economic climate have stirred a lot of immigration debate over the last couple of years. If we believe in the principles on which this country's immigration laws are based, however, there is no reason to eliminate the DV Lottery.

The program, administered by the Department of State under the Immigration and Nationality Act (INA), makes available 50,000 immigrant visas ("green cards") annually to nationals of countries with historically low rates of immigration to the United States. Applicants born in eligible countries, regardless of their current citizenship or place of residence, are chosen using a random, computer-generated selection process. To be eligible in a given year, a country must not have sent more than 50,000 immigrants to the U.S. in the preceding five years.

As a result, the DV Lottery has mostly benefited individuals from African and certain European countries who, generally, have neither family or business ties to the U.S. nor the resources to create such ties. For example, the Department of State reports that, out of a total of 46,629 immigrant visas issued in 2008 under the program, 22,960 went to natives of African countries while 14,787 went to natives of European countries. In 2007, that number was 18,046 and 12,633 respectively, out of a total of 40,076.

Critics have made several attempts to halt the program since its inception in the early '90s. The most recent attempt, The Security and Fairness Enhancement ("SAFE") for America Act of 2009, was introduced in the House of Representatives on May 7 by Rep. Robert Goodlatte of Virginia and is co-sponsored by 33 others, including Representative Roy Blunt.

The SAFE Act is based on an unfounded notion that granting immigrant visas to individuals who do not have a family or employment tie to the U.S. poses a national security threat. This implies that many nonimmigrant visa programs, such as the visitor visa program, which, by their very nature, require a showing that one does not have strong ties to the U.S., should also be abolished.

It also ignores the fact that beneficiaries of the DV Lottery have to go through the same, if not more, scrutiny as beneficiaries of other immigrant visa programs. Contrary to what opponents of the program depict, selection for DV does not automatically guarantee a green card. Applicants do have to pass various background and security checks, in addition to proving that they have the required minimum education or qualifying experience. Applicants are also subject to all grounds of exclusion that apply to other immigrant visa applicants, including terrorist, criminal, and health grounds. In fact, because many of the applicants do not make the final cut, The Department of State generally selects a much higher number of entrants than the quota limit of 50,000. For example, in 2008, the number of applicants selected was approximately 96,000, compared to the 46,629 immigrant visas that were actually issued.

Opponents of DV Lottery also argue that it opens the door to those who wish to harm the United States and cite random criminal incidents to tarnish the program. In reality, there is nothing unique about the admission process through the DV program that makes it vulnerable to security threats. Those who wish harm to the country can find easier ways of gaining admission than through a lottery program that presents a one-in-a-million chance of winning, and, even in the unlikely event of winning, does not guarantee admission. The Department of State reports that over 9.1 million qualified entries were received for the 2009 fiscal year. The answer for a secure America is not eliminating programs that serve to create a diverse nation, but strengthening the screening process for admission to the U.S.

A legitimate concern about the program, as with many other immigration programs, is fraud, including the use of false identity information and documents. The solution to this is not to abolish the program but to improve it. The Department of State has taken various steps in that regard, including changing the process to an electronic one, adding facial recognition software to detect multiple entries, barring participation to those who try to circumvent the system, and increasing fraud prevention staff.

Finally, the program is also criticized for being discriminatory and unfair to individuals from countries such as

Mexico and India, which do not benefit from the program because of the high rate of immigration from those countries. Equal opportunity is one of the principles upon which this nation was founded, and that is exactly what this program provides. The DV Lottery has given thousands around the world, including myself, their only shot at being a part of this great nation. If the United States is to remain a nation that is truly "One, Out of Many," a program that diversifies the country's immigrant pool should be encouraged, not abandoned.

Gizie Bekele practices immigration law with Lathrop & Gage in Kansas City. She is originally from Ethiopia.

Complete URL: <http://molawyersmedia.com/blog/2009/06/26/cutting-immigration-programs-is-no-solution/>