

The Diversity Visa Lottery: A Study

Linking Immigration Politics to

Immigrant Characteristics and

Experiences



An Honors Thesis for the Department of International Relations

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Abstract

Every year, 50,000 immigrants obtain Legal Permanent Residency (LPR) in the United States through a program called the Diversity Visa (DV) Lottery. The sole eligibility requirement is that applicants hold a high school degree or have a job that requires at least two years of training, and the lottery is only open to natives of countries that have sent fewer than 50,000 migrants to the U.S. in the past five years. This thesis seeks to contextualize the DV Lottery in the overall scope of U.S. immigration policy and inform the political debate in Congress over the program. Analysis of data from Princeton University's "New Immigrant Survey" shows that, relative to other legal immigrants, DV migrants are younger, more educated, and more likely to speak English well. Six to eighteen months after obtaining LPR, however, they are slightly less likely to be employed than other legal immigrants. That discrepancy between DV migrants' educational backgrounds and likelihood of employment is primarily due to their relative lack of experience in the U.S. Whereas approximately half of all legal immigrants spend time in the U.S. on non-immigrant visas before obtaining LPR, less than 10% of DV migrants had any experience in the U.S. prior to winning the lottery. In Congress, the debate over the program has revolved primarily around the assumption that the lottery encourages increased diversity in the U.S. immigration system at the cost of attracting primarily low-skilled immigrants. The data show, however, that this perceived tradeoff does not actually exist.

Cover Photo: Stanley Imbali, a Diversity Visa Lottery migrant originally from Kenya, with three of his children and a family friend in front of his house in Hanford, California (Photo by author, 2010).

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List of Acronyms

CBC – Congressional Black Caucus

CIS – Center for Immigration Studies

DV Lottery – Diversity Visa Lottery

LPR – Legal Permanent Residency or Legal Permanent Resident

OIG – Office of the Inspector General (Department of State)

OIS – Office of Immigration Statistics

NIS – New Immigrant Survey

Introduction

The Diversity Visa Lottery: A Brief Overview

Stanley and his wife used to own and operate a grocery store and a bakery in Kenya. Ahmed had just graduated from college and was working as a civil engineer in Algeria. John had spent fifteen years teaching mathematics in Ghana. Nancy was a Swahili teacher in Tanzania. Josephine, who didn't know a word of English, took care of her young children in Tanzania. Stephen, the son of a Nigerian Supreme Court Justice, was an exchange student studying computer science at the University of Massachusetts.^I Aside from their African roots, all of these people have one thing in common: they won the United States Diversity Visa Lottery (DV Lottery), obtained Legal Permanent Residency (LPR) and are now living in the U.S.^{II}

Every year, up to 55,000 immigrants can obtain LPR through the DV Lottery.^{III} These immigrants come from all over the world. In 2009, 153 countries sent migrants to the United States through the program. As a whole, the DV Lottery is a relatively minor component of the U.S. legal immigration system. The number of migrants obtaining LPR through the lottery pales in comparison to other admission categories such as family- or

^I With approval from the Tufts University Institutional Review Board, I conducted in-depth interviews with these six migrants in Fall, 2010. The interviewees described their experiences from the time they entered the Diversity Visa Lottery to the present day. I discuss the processes they undertook to obtain LPR in Chapter 3, and I have included complete summaries of each interview in Appendix A. With the exception of Stanley, I have given pseudonyms to the migrants, as requested, to protect their privacy.

^{II} Legal Permanent Residents (also known as "Green Card" holders), enjoy almost every right of citizenship. They can live and work in the U.S. on a permanent basis, obtain a Social Security number, and can travel freely outside the country. After five years of residency in the United States, Green Card holders can apply for citizenship. The government can revoke a person's LPR status only if he commits a serious crime or spends one calendar year completely outside the U.S.

^{III} Approximately 100,000 people "win" the DV Lottery every year, and visas are given out to eligible winners on a first-come-first-served basis. Despite this over-subscription, the State Department rarely reaches its 55,000 visa quota. In 2009, for example, only 47,879 people obtained visas through the DV Lottery.

employer-sponsored visas and refugees.^{IV} Between its 1992 inception and 2009, however, an estimated 811,534 people have immigrated to the U.S. through the program. While any given entrant's chances of winning the lottery are slim – in 2010, 14.8 million people entered the lottery – the program remains immensely popular.

A major reason for its popularity is that the DV Lottery lays out relatively few requirements for potential applicants. Citizens of any country are eligible to apply so long as their country has not sent more than 50,000 immigrants to the United States in the past five years. The only requirement for applicants is that they hold a high school degree or have worked in a job that requires at least two years of training. All winning applicants endure a lengthy and expensive adjudication process. In order to obtain a visa, a winner must prove that he or she will not become a charge of the U.S. government upon arriving in the U.S.^V Apart from monetary constraints, however, The DV Lottery is, as its name suggests, truly a lottery: among the applicant pool, a doctor is no more likely to win than a subsistence farmer; a native speaker of English has no better chance than someone who does not know the language at all.

While every continent has at least a handful of countries that are eligible for the DV Lottery, there is one continent that has benefited from the DV Lottery in particular: Africa. Between 1995 and 2009, an average of 19,138 Africans immigrated to the US through the program every year. That number represents approximately 40 percent of all

^{IV} In FY 2009, for example, a total of 1,130,818 people obtained LPR status. Lottery winners accounted for only 47,879 (4.2%) of those visas

^V In order to prove that he will not become a charge of the government upon arriving, an applicant needs either a letter from a sponsor who will take responsibility for him or proof that he has the financial means to support himself and his family financially. Consular officers in Egypt reported that their decision about whether a DV Lottery winner was at risk of becoming a charge of the state was a “judgment call.” In Kenya, however, Stanley said that the consular officer approved him only after he showed that he had a bank account with at least \$1,000 for himself and each member of his family accompanying him to the United States.

newly arriving African migrants to the U.S. in that time period. In 1991, a total of 27,086 African migrants obtained LPR status. In 2009, that number was 122,804 – an increase of 453 percent. The Diversity Visa Lottery has been the single biggest driver of that rapid growth.

The random allocation of visas through the DV Lottery and the program's eligibility requirements beg several questions: first, who enters the lottery and why? Does the DV Lottery tend to attract people from specific demographics or who hold similar levels of education and work skills? What type of process do these migrants undergo to obtain a visa, and how might that process prevent unskilled or particularly poor potential migrants from moving to the United States? Secondly, what happens to the people who win the Diversity Visa Lottery? When they reach the United States, are they able to find jobs and acclimate themselves to their new surroundings? I will contextualize the experiences and outcomes of DV migrants within the broader framework of legal immigration to the United States by examining how they compare to other legal immigrants to the U.S. in terms of basic demographics, educational backgrounds, and migration history.

In addition to analyzing immigrant outcomes, I will also examine the political debate over the DV Lottery's continued existence. While that debate is not nearly as salient as other immigration issues such as illegal immigration, it is a present-day manifestation of the long-running disagreement between pro-immigration advocates and restrictionists.^{VI} The DV Lottery's supporters (predominantly Democrats) view the

^{VI} I define pro-immigration advocates as supporting an immigration policy that makes large numbers of visas available with low eligibility requirements. Restrictionists, on the other hand, want to limit the number of immigrant admissions and focus on accepting migrants who can prove that they will occupy an employment niche that no American currently fills.

program as continuing America's history of openness to accepting migrants from all walks of life – both in terms of nationality and educational and professional qualifications. They also point to the importance of the program in opening up new pathways of migration to the United States for Africans and Eastern Europeans. Finally, they cite the requirement that every principal applicant hold a high school degree as proof that these migrants have a good chance of succeeding in the U.S. The program's opponents, on the other hand, express concerns about the program not serving U.S. national interests. They view the minimum requirement of a high school degree as a standard that is too low to ensure that DV migrants can make a positive contribution to the U.S. economy. They also contend that allocating visas through a lottery system is inefficient and unfair to other potential migrants. Why, they argue, should the U.S. grant visas to immigrants who have no family or employment-related connection to the United States when so many other immigrants who do have those connections have to wait for years before obtaining a visa?^{vii}

When making their arguments, however, neither side employs concrete data about the demographics, educational backgrounds, or economic outcomes of Diversity Visa Lottery migrants upon arriving in the United States. If DV Lottery migrants have similar educational backgrounds or fare as well as or better than other legal immigrants in the labor market (or vice-versa), the political debate should reflect that reality.

Aside from the debate between pro-immigration advocates and restrictionists, there is another important constituency with a stake in the continued existence of the DV

^{vii} Opponents of the DV Lottery have also expressed concerns that it poses a threat to national security. They argue that the program is vulnerable to fraud and thereby is an avenue by which terrorists might enter the country. I will address those concerns briefly in Chapter 2, but they will not factor into my final analysis of the political rationale for the continued existence of the DV Lottery.

Lottery: the Congressional Black Caucus (CBC). The CBC supports the lottery primarily because of its importance in fostering African immigration to the U.S. Between 1995 and 2009, approximately half of all DV Lottery winners came from Africa, and approximately half of all African migrants to the U.S. came through the DV Lottery. Because members of the CBC are among the most prominent advocates for the program and are interested in the experiences of African migrants in particular, I will devote special focus to analyzing the demographics, educational characteristics, and labor market outcomes of African DV migrants throughout this thesis. In the same way that data about DV migrants can inform the general political debate over the program, data about African migrants in particular can inform the CBC's arguments as well.

I begin this thesis by contextualizing the DV Lottery in the history of U.S. immigration policy and describing the political factors that motivated the program's creation. Chapter 2 lays out a description of the current political debate over the lottery. Chapters 3 and 4 focus on DV migrants' immigration experiences, demographics, and labor market outcomes. The application process is lengthy and expensive, and in Chapter 3 I describe how certain aspects of the process can potentially filter some less-qualified or poor applicants out of the pool. Chapter 4 addresses the demographics, qualifications, and labor market outcomes of DV Lottery immigrants. It includes data from Princeton's "New Immigrant Survey," a nationally representative survey of legal immigrants at admission. Finally, Chapter 5 discusses how the conclusions from the data analysis inform the various sides of the political debate. Instead of providing one single policy prescription, I will examine how the data matches up with or contradicts the arguments of all the different groups involved in the politics of the DV Lottery.

Chapter 1

A Legislative History of the Diversity Visa Lottery

Although the Diversity Visa Lottery is only twenty years old, its origins stretch back much further in the history of U.S. immigration policy. The story of how the DV Lottery became a part of modern-day immigration policy begins in the early twentieth century. For the first part of that century, U.S. immigration policy focused more on prescribing who to keep out than who to let in. A tide of anti-immigrant sentiment that started in the 1880s with the Chinese Exclusion Act culminated in a number of pieces of anti-immigrant legislation in the 1920s that effectively brought legal migration to the U.S. to a standstill for the next forty years. While the 1965 Immigration Act dramatically restructured U.S. immigration policy with the intent of ending discrimination, it ended up diverting a large percentage of the immigration flow to a select handful of countries. The creation of the Diversity Visa Lottery in 1990 sprung from a desire to provide opportunities to immigrants from regions of the world that had not benefitted from the 1965 Act. Irish-American legislators initially led that push with an eye towards facilitating Irish immigration, but the creators of the DV Lottery ensured that the present-day version of the program would serve primarily Africans and Eastern Europeans.

The First Half of the Twentieth Century: An Age of Restrictionism

The early twentieth century saw a number of anti-immigrant groups gain influence. These groups – known as “restrictionists” because of their desire to restrict immigration flows – had played major roles in shaping previous U.S. immigration policy since the late 19th century: the Chinese Exclusion Act of 1882, for example, effectively ended Chinese

migration to the United States.¹ The anti-immigrant groundswell peaked after World War I, and it led to the Immigration Act of 1924. The Act set an annual ceiling at just under 200,000 migrants (compared to an average of approximately 700,000 per year in first two decades of the 20th century); it intended to issue more than five times as many visas to Western and Northern Europeans than to Eastern and Southern ones; and it barred all Asian migrants. Only six senators voted against the bill. Table 1.1 lays out the decrease in immigration in the first half of the 20th century.

Early and Mid-20th Century Levels of Legal Immigration to the U.S. (by decade)²

TABLE 1.1	1901-1910	1911-1920	1921-1930	1931-1940	1941-1950	YEARLY AVG.
Africa	7,368	8,443	6,286	1,750	7,367	624
Asia	323,543	247,236	112,059	16,595	37,028	14,729
Europe	8,056,040	4,321,887	2,463,194	347,566	621,147	316,196
Americas	361,888	1,143,671	1,516,716	160,037	354,804	70,742

The restrictionist climate continued almost unabated until after World War II. Two of the drivers that turned the tide in the post-war period were increased support for human rights and calls for admitting refugees from Communist countries.³ Pro-immigrant groups' struggles to end national origins quotas and wrest control of the immigration debate from the hands of the restrictionists, however, still achieved only mixed success.

A History of African Immigration to the United States

While anti-immigrant groups did not seek to prevent Africans from immigrating in the same way that they did Chinese, Latinos, or Eastern and Southern Europeans in the early 20th century, there has been a miniscule flow of African migrants to the U.S. for much of the nation's history. The first African migrants to the United States were slaves.

The slave trade spanned from the 16th century and until the middle of the 19th century. Estimates of the number of slaves transported across the Atlantic vary. One of the first major surveys produced an estimate of 10 million.⁴ Examining the entire literature, Joseph Inikori suggests that the overall figure is “unlikely to be less than 12 million or more than 20 million,” and places his own estimate at 15.4 million.⁵ Curtin estimates that approximately 427,300 went to the United States, although other estimates place the number between 200,000 and 300,000.⁶ An estimated 87 percent of all slaves brought to British North America (which then became the United States of America) came in the period between 1701 and 1810.⁷ The other 13 percent came in the period between the outlawing of the slave trade in 1810 and the outlawing of slavery in 1861.

From the end of the Civil War until the end of the 19th century, there was almost no African migration to the United States. Bashi speculates that legislators were not concerned with black immigration in this period because blacks were more likely to leave the United States than enter, as many went to Canada or the West Indies.⁸ While an 1870 revision to the United States Naturalization Act extended the right of naturalization to people of African nativity and descent, only 1,877 Africans migrated to the United States between 1861 and 1900.⁹ From a practical point of view, transatlantic African migration to the United States before World War I was very difficult. Few Africans had access to enough money or a means of transportation to come to the United States.

From 1900 to 1950, small numbers of Africans finally began to migrate. As Table 1.1 shows, total migration levels in each decade stayed relatively constant throughout the first half of the 20th century (with the exception of the 1930s). Most African migrants to the U.S. in that period were South African or Egyptian, and, presumably, most of them

were not black.¹⁰ Black Africans living under colonial rule fell under the quota of their imperial country.¹¹ A few, such as Kwame Nkrumah, the first president of Ghana, obtained permission from the colonial authorities to come to the United States for higher education. Compared to immigrants from other parts of the world, however, Africans (especially blacks) found it much harder to immigrate to the U.S. in the first half of the 20th century.

The 1965 Immigration Act: A Monumental Change

The election of President Kennedy in 1960 and the rise of the civil rights movement coincided with a decrease in support for the nativist and racist sentiments that had influenced the passage of the quota-laden Immigration Act of 1924. Five years after President Kennedy's inauguration, Congress passed the Immigration Act of 1965. The 1965 Act was significant both for the immigration selection practices that it ended and the new system that it enshrined. It formally eliminated the national origins system that allocated specific numbers of visas to each country. In its place, the Act laid out a new system of allocating visas by hemisphere. The bill also established a tiered system of preferences for immigrants that is still in effect today. It allocated 74% of the 200,000 visas to family reunification, 20% for workers who had skills that were in high demand in the United States, and the remaining 6% for refugees.¹²

The 1965 Immigration Act precipitated a large increase in the number of immigrants who came to the United States. When the bill was passed most legislators shared Senator Edward Kennedy's (D-MA) view that "[the] bill is not concerned with increasing immigration to this country, nor will it lower any of the high standards we apply in the selection of immigrants."¹³ The general consensus was that the hemispheric

quotas would ensure that levels of migration remained constant. As Table 1.2 shows, however, the number of immigrants to the United States has consistently increased on a decade-by-decade basis from the 1960s to the first decade of the 21st century.

Late 20th and Early 21st Century Levels of Legal Immigration to the U.S.¹⁴

TABLE 1.2	1960-1969	1970-1979	1980-1989	1990-1999	2000-2009
Number of Immigrants	3,213,749	4,248,203	6,244,379	9,775,398	10,299,430

The main reason for this increase is that the authors of the 1965 Act decided to exempt immediate relatives in the family reunification category from counting toward the hemispheric quotas.¹⁵

In addition to its impact on the levels of migration, the 1965 Act also precipitated a dramatic shift in the sources of migration to the United States. Table 1.3 contrasts the regions of origin of immigrants to the U.S. between 1820-1960 and the 1990s.

Post-1965 Changes in the Main Source Regions of Legal Immigration to the U.S.¹⁶

TABLE 1.3	Europe	Americas	Asia
1820-1960	85%	13%	2%
1990-1999	14%	53%	29%

Maldwyn Jones describes how these changes in the sources of migration to the U.S.

brought about corresponding changes in American society:

The post-1960 immigrant influx reverberated in many corners of American life. It stimulated population growth; left a mark on politics, education, and religion; changed American tastes in food, clothes, and music; and by its diversity altered the nation's ethnic and racial makeup and its perception of itself.¹⁷

From the 1965 Immigration Act to the Diversity Visa Lottery

The drop in European migration to the United States after the 1965 Immigration Act is key to understanding the political rationale for the creation of the Diversity Visa Lottery. For the Irish in particular, the 1965 Act made it much harder to immigrate to the United States. It changed the admission process for low-skilled laborers, and as a result many Irish workers found that they no longer qualified for immigrant visas.¹⁸ That change, along with the fact that most prospective Irish migrants did not have any close relatives in the U.S., led to a steep drop in the levels of Irish immigration.¹⁹

Encouraged by a consortium of Irish-American interest groups concerned about the lot of their Irish immigrant brethren, a number of legislators in the House and Senate tried to rectify the situation. Although they met little success until the mid-1980s, every legislator interested in the issue pushed the same agenda: Ireland and a number of other European countries, as the argument went, had suffered dearly as a result of the 1965 Act. Something needed to be done to enable prospective immigrants from those countries to “compete in a more ‘equitable’ manner with other nationalities.”²⁰ Such talk about “nationalities” ostensibly represented a return to the rejected, pre-1965 way of thinking about immigration in terms of national origins. Yet even the Irish-American legislators who had supported the 1965 Act’s abolition of the national origin-based system supported “doing something for the Irish.” Senator Kennedy, for example, introduced legislation in the Senate in 1986 to establish a lottery providing 10,000 visas to nationals of “adversely affected countries.” Ireland, of course, fit the criteria.

The advocacy of the Irish lobby in Congress led to the creation of the Diversity Visa Lottery as part of the Immigration Act of 1990.²¹ The program was divided into

two parts: between FY 1991 and FY 1994, the legislation stipulated that a “Transitional Diversity Program” would provide 40,000 visas to natives of Senator Kennedy’s adversely affected countries.^{VIII} The authors of the legislation also inserted a line mandating that 40% of those 40,000 visas would be made available to “the foreign state the natives of which received the greatest number of visas [in Kennedy’s 1986 lottery].”²² Not coincidentally, that foreign state was Ireland. In the three years of the Transitional DV Lottery, Irish natives accounted for 35% of the visas (although Poland received a plurality with 38% of the visas).

Starting in 1995, the DV Lottery shed the “transitional” moniker. Despite the important role of the Irish in garnering support for the bill and their allocation of visas in the transitional program, the permanent DV Lottery was not designed to perpetually allow tens of thousands of Irish to immigrate. Senator Charles Schumer (D-NY) was principally responsible for writing the portion of the legislation that laid out the formula for allocating diversity visas. As it is written, the bill divides the world into six regions and designates each one a “high-admission” or “low-admission” region. High-admission regions are those that account for more than 1/6 of all family- and employer-sponsored visas and vice-versa for low-admission regions. The population of each region is then calculated (excluding any “high-admission” country which has sent more than 50,000 migrants to the U.S. over the past five years), and the populations of all high- and low-admission regions are added together separately. The population of each low-admission region is divided by the overall population of the low-admission regions, and the same is done for each high-admission region. The DV Lottery allocates visas to each low-

^{VIII} The Transitional DV Program officially started in FY 1992. In FY 1991, the 40,000 visas were allocated to people who had won the 1986 visa lottery but were not able to come because of numerical limitations.

admission country using the following formula:

- For a *low-admission country in a low-admission region*
 - (regional population percentage) X (percentage of family- and employer-sponsored visas that all high-admission regions account for)
- For a *low-admission country in high-admission region*
 - (regional population percentage) X (percentage of family- and employer-sponsored visas that all low-admission regions account for)

As is evident from the formula, Schumer designed the DV Lottery formula to reflect changes in the levels and sources of immigration to the U.S. on an annual basis. The crux of the formula is that it allocates a percentage of visas to low-admission regions that is equal to the overall percentage of visas that high-admission regions account for in all other U.S. immigration programs. In order to ensure that the program does not benefit any single country disproportionately, no country can account for more than 7% of all Diversity Visas.

Despite the cryptic nature of the formula, it was clear from the outset that Europeans and Africans would account for a majority of Diversity Visas. While some scholars have characterized the DV's transition from focusing primarily on Ireland to Africa and Eastern Europe as a case of unintended consequences, the reality is that the creators of the permanent DV Lottery always intended to target it towards Africans and Eastern Europeans.²³ Former Representative Bruce Morrison (D-CT), one of the principal architects of the DV Lottery, explained that the migrant ratios were "absolutely intended...[Africa and Eastern Europe] were important, unrepresented source regions."²⁴ Even in the debate leading up to the passage of the bill in 1990, Morrison and other

supporters were already talking about the DV Lottery as more than just a program targeted at the Irish. Morrison said of the program, “it ensures long-term diversity in our flow of immigrants from around the world. It is in the interest of the United States...”²⁵ Former Representative Hamilton Fish (D-NY), a colleague of Morrison’s, echoed his sentiments:

[the DV program] creates opportunities to immigrate to natives of countries who are virtually shut out of the immigration system. The diversity and transition programs...will allow the Irish, Africans, Eastern Europeans...and others to find their way back into the immigration flow which they had been excluded from for 25 years or more.²⁶

Although the goals of the creators of the permanent DV Lottery diverged from those of the supporters of the transitional DV Lottery, the permanent program would never have existed but for its transitional counterpart. According to Morrison: “the [Transitional DV] created the political space [for the permanent DV Lottery]. [When people came to vote], nobody said ‘is this the Diversity Visa bill?’ A lot of them who’d been lobbied [by the Irish] said ‘Is this the Irish immigration bill?’”²⁷ The bill did not enjoy unanimous support: a number of Latino and Asian immigrant advocacy groups opposed it because they felt that the principles of the program represented a return to pre-1965-style national origins quotas.²⁸ Laurence Fuchs, a prominent immigration scholar, also opposed the program “because it was based on the idea that ‘nations and countries immigrated, rather than individuals’”.²⁹ The bill passed, however, with strong bipartisan backing in both the Senate and the House of Representatives.

The creation of the Diversity Visa Lottery was an uncommon occurrence in the history of U.S. immigration policy: it was the first time that a group of legislators have closely examined the nation’s immigration system, determined that specific groups of

migrants face serious obstacles to immigrate, and then deliberately expanded the opportunities for those groups in a way that was also intended to increase the numbers of immigrants gaining entry to the U.S. While the creators of the 1965 Act also sought to make the U.S. immigration system more “fair,” they did not expect that the legislation would dramatically increase numbers or favor select groups of migrants (namely Asians and Latinos). The creators of the DV Lottery, however, knew that Africans and Europeans would be the primary beneficiaries of the program. Twenty years after the creation of the program, Bruce Morrison observed, “if the [lottery] were repealed tomorrow, I would feel like it [achieved its goals]...[it] plant[ed] the seed and the plant has grown.”³⁰

Chapter 2

The Politics of the Diversity Visa Lottery

Today, the Diversity Visa Lottery occupies a small niche in the complex and often contentious landscape of immigration politics in the United States, but there is an intense, philosophical debate over the structure of the program and the reasons for its continued existence. The program's supporters maintain that it serves an important national interest by giving a chance to immigrants from a wide variety of countries to immigrate to the United States. The DV Lottery, they argue, is a present-day manifestation of the deep-seated idea that America welcomes immigrants of all backgrounds and qualifications. The lottery's opponents, however, deride it as a poorly designed piece of immigration policy that attracts immigrants who have little potential to contribute to the nation's economic interests. Some of them also argue that the program is a threat to national security. The politics of the lottery extend beyond this philosophical debate. Because of the program's key role in facilitating African immigration, several members of the Congressional Black Caucus have taken an intense interest in defending it. Anti-immigration interest groups, on the other hand, oppose the program on the simple principle that the United States already lets in too many immigrants. In this chapter, I will address the factors that shape these various views of the Diversity Visa Lottery, with an emphasis on identifying aspects of the debate that are purely philosophical as opposed to those that evidence about DV migrant demographics, characteristics, and employment outcomes can inform.

Before addressing the specific arguments of each side, it is important to consider

the current political landscape of immigration in the United States. In a recent article on the politics of reforming America's legal immigration system, *The Economist* observed:

Legislators from both parties have at various times advanced proposals that would smooth the way for skilled migrants, but they have usually foundered on the more intractable problem of dealing with illegal immigration... Democratic Hispanic legislators oppose separating them for fear of losing business support for comprehensive reform. In principle, then, a Republican takeover of the House might increase the likelihood of a stand-alone bill on skilled immigration. That, however, is not the Republicans' priority. Lamar Smith, the Republican who would probably become chairman of the House judiciary committee, is more focused on deporting illegal immigrants and strengthening the border.³¹

Congress has not passed a significant piece of legislation dealing with legal immigration since 1996. As *The Economist* describes, Latinos in Congress, who constitute an influential portion of the Democratic caucus, refuse to consider any sort of immigration legislation short of a comprehensive reform package that includes a path to legalization for illegal immigrants. A significant number of Republicans, on the other hand, maintain an unwavering focus on border security and cracking down on illegal immigrants. Thus, the two parties remain at loggerheads and refuse to consider piecemeal reforms. Since 1990, every effort to pass a comprehensive immigration reform package has failed.

Given the difficulty of passing any immigration legislation in the current political climate, political inertia has been a significant reason for the continued existence of the Diversity Visa Lottery. When asked in an interview about the reasons for the lottery's continued existence, Bruce Morrison (D-CT) answered simply: "Inertia." Pointing to the influence of the Hispanic caucus, Morrison added: "Passing immigration legislation has been rendered largely impossible by the strategy of the people who want to pass immigration legislation...you can't pass anything unless you pass everything."³²

Political inertia, however, should not be confused with solid political backing. As recent history indicates, there is not an inherently strong level of Congressional support for the program in its current form. In 2003, the House Judiciary Committee voted 18-8 to send a bill calling for the elimination of the DV Lottery to the House floor for debate.³³ That bill was added as an amendment to a border security bill that was passed in the House by a 273-148 margin, but the Senate did not pass the bill.³⁴ As part of the 2006 Comprehensive Immigration Reform Act, the Senate passed Senator Judd Gregg's (R-NH) amendment that would have reserved two-thirds of all Diversity Visas for advanced degree holders by a 56-42 margin.³⁵ The bill stalled in a conference committee, but not because of a sudden show of support for the Diversity Visa Lottery. Once again, illegal immigration proved to be a sticking point: there were three irreconcilable issues that eventually prevented the bill's passage, and all of them were related to illegal immigration.³⁶

The Argument in Support of the Diversity Visa Lottery

Several Senators, led by Charles Schumer and the late Edward Kennedy, have consistently championed the DV Lottery since its inception in 1992. They argue that the merit of the program lies in its fulfillment of the principle that America is open to immigrants of all backgrounds from every corner of the world. In response to Senator Gregg's 2006 proposal to reserve two-thirds of all lottery visas for advanced degree holders, Kennedy spoke out forcefully on the Senate floor, declaring:

The purpose of the diversity visa is not just to advance narrow economic interests, but, rather, to preserve our very heritage as a nation of immigrants, a true melting pot. Unlike other visa categories, the diversity visa is not about whom you know or to whom you are related...The diversity program ensures that America continues to be a beacon to the

entire world and not just to a dozen or so countries with high numbers of immigrants already living here.³⁷

Kennedy's declaration that the DV Lottery exists "not just to advance narrow economic interests" implies that the DV Lottery comes at the expense of admitting well-qualified immigrants. From his perspective, the symbolic value of the lottery is more important than the type of migrants that it attracts.

In addition to the lottery's symbolic importance, its supporters also point to the role it plays in diversifying the major source countries for immigration to the U.S. Morrison characterized the immigration debate in the 1980s as based on the "notion that everybody was coming from where they already came from. Even though the national origin quotas had been changed, a few countries dominated the [landscape of] immigration because of their relationship to people who were already here."³⁸ Giving voice to those sentiments in 2006, Kennedy argued: "Without the diversity visa program our family- and employment-based immigration system would ensure that virtually all immigrants to the United States would come from just a small handful of countries."³⁹ Morrison linked the ideas of diversity and fairness to the push for a broader array of source countries, describing his philosophy that "while there will always be unequal numbers for a variety of reasons from around the world, one of the hallmarks of American immigration is that you can be from anywhere...that's an attractive notion, and that value was underneath [the creation of the DV Lottery]."⁴⁰

While most of the arguments that the lottery's supports advance do not focus on immigrant qualifications or economic interests, Kennedy, Schumer, and Morrison have indicated that they believe that DV migrants are likely to succeed in the U.S. One of the

central debates in the buildup to voting on the 1990 Immigration Act, as Representative Morrison describes, was “about self-selected immigration versus sponsored immigration, and there was sort of a push toward more self-selected.”⁴¹ In other words, legislators believed that the U.S. immigration system should provide more chances to migrants wanting to come of their own volition. Those self-selected immigrants, they believed, were likely to be ambitious, creative, and poised to succeed in the United States. In the 2006 debate, continuing to emphasize the self-selection aspect of the program, Senator Schumer told the story of a lottery migrant named Napoleon Barragan, the founder of a mattress company in Queens, NY, concluding with the observation that “We certainly need more scientists and engineers, but we also need new immigrants like Napoleon Barragan – ambitious people without money and a family connection – to come here and start new businesses.”⁴² As a whole, however, the lottery’s supporters place relatively little emphasis on the DV Lottery’s encouragement of self-selection and possible benefits to U.S. economic interests.

Finally, the program’s continued existence is also due to Kennedy’s and Schumer’s senses of personal ownership. While the influence and support of the Irish immigration lobby in the late 1980s enabled Kennedy, Schumer, and Morrison to successfully create the Diversity Visa Lottery, no political constituencies have exhorted them to defend the program in recent years. In the absence of any active lobbying in favor of the lottery, those legislators’ political philosophies and commitment to the program have played an important role in preserving it. Morrison observed of Kennedy:

[he] always felt an ownership of the program, but quite frankly it had more to do with the [three year] transitional diversity [program] and the Irish than it did with the [present-day] details. But in his mind it was all of a

piece... Ted Kennedy was in the center of immigration his whole political life. If he felt some ownership of this, it wasn't going anywhere.⁴³

Schumer, according to Morrison, had devoted most of his focus to creating the permanent diversity program that was designed to be the vehicle by which tens of thousands of Africans and Eastern Europeans would migrate. In Schumer's case, Morrison said: "Senator Schumer, who as a House member had created this, wasn't going to lightly let it go. It was his thing."⁴⁴ Despite Kennedy's and Schumer's steadfast support for the program, the Gregg Amendment passed in 2006. Ultimately, however, the House and Senate could not reach an agreement on the 2006 Immigration Act, and there has not been a significant Senate challenge to the Diversity Visa Lottery since.

Congressional Black Caucus Support in the House of Representatives

The debate over the DV Lottery is particularly intense in the House of Representatives. Unlike the Senate, there are no House members who have sentimental ties to the program – Bruce Morrison left Congress to run for Governor of Connecticut in 1991, and Charles Schumer moved on to the Senate in 1999. In their absence, several members of the Congressional Black Caucus have coalesced to form a bulwark of support for the lottery. Sheila Jackson Lee (D-TX) is the most outspoken of those CBC members. While her public support for the program is partly based on the principles of equality and fairness espoused by Kennedy, Schumer, and Morrison, there is one facet of the program in particular that attracts her attention: the lottery's importance in fostering African immigration to the United States. Privately, several CBC members have expressed support for the program as a way to right the wrongs of slavery and benefit Africans in the process. Although there has not been a serious challenge to the lottery

since 2006, there is latent support for the program among CBC members. That support would likely emerge if the program were in imminent danger of elimination.

In order to understand black legislators' support for the lottery, it is first important to consider perspectives on immigration within the black community as a whole. The countervailing forces of economic self-interest and sympathy for other minorities struggling to succeed in the U.S divide blacks' opinions on the issue. Jeff Diamond characterizes the black community as "torn on the issue of immigration." "On the one hand," he writes, racism and a generally "weak socioeconomic position" have "forced [blacks] repeatedly to bear the costs of liberal immigration policies."⁴⁵ Giving credence to the perception that immigration hurts blacks economically, George Borjas finds that immigration "raises the per capita income of U.S. natives, [but] it has an adverse impact on the per capita income of black natives."⁴⁶ Furthermore, he concludes that there is no feasible way to change the U.S. immigration system (by admitting more high-skilled or low-skilled immigrants) that would provide a "net benefit" for the black population.⁴⁷ Complicating the issue, however, is the instinctive solidarity that the black community has for immigrants. Diamond expands on that idea:

Many blacks have historically viewed the advancement of their race as linked to the acceptance in American society of universal principles of fairness and justice; the adherence to these principles makes it difficult to refuse others the opportunities to escape poverty or oppression which blacks themselves have sought for so long.⁴⁸

As a result of those two conflicting perspectives on immigration, it is hard to characterize the black community as solidly "pro-" or "anti-immigrant".

Polling data bears out that sense of division, but it also indicates that blacks' views of immigration are nearly identical to whites' views and very different from those

of Hispanics. As Table 2.1 shows, a 2006 Pew Polling Survey of American attitudes toward immigration suggests that blacks and whites have nearly identical views of today's immigrants.

Table 2.1: American Attitudes toward Immigrants Organized by Race⁴⁹

Percentage agreeing with these statements: Immigrants Today...	Are a burden because they take jobs, housing, and healthcare	Strengthen our country with their hard work and talents
Total	52	41
White	55	38
Black	54	38
Hispanic	29	64

Among Democrats in particular, Table 2.2 shows that blacks held slightly less favorable views of immigrants compared to whites.

Table 2.2: Attitudes toward Immigrants within the Democratic Party⁵⁰

Percentage agreeing with these statements	Immigrants are a burden on the country	Immigrants threaten traditional values	Legal immigration should be decreased
White	53	47	41
Black	56	51	37
Hispanic	36	38	27

Given that no more than 56% of blacks expressed a clearly negative view of immigrants in either of the tables, it would be incorrect to characterize the black community as virulently anti-immigrant. In both cases, however, blacks were dramatically more anti-immigrant than Hispanics. The divergent opinions of blacks and Hispanics regarding immigration suggest that blacks' economic concerns ultimately trump any sense of inter-minority group solidarity.

In contrast to the less than supportive polling data, support for immigration among members of the Congressional Black Caucus has remained strong. Diamond

characterizes the CBC as “[maybe] the most liberal block in Congress with respect to immigration policy.”⁵¹ He also writes that a strengthening of ties between the CBC and the Hispanic Caucus in the early 1990s led to their voting in near-lockstep against a 1996 bill that would have curbed immigration.⁵² More recently, members of the CBC reacted very strongly in a March, 2011 hearing about the impact of illegal immigration on American minorities. Representative John Conyers (D-MI), a founding member of the CBC, characterized the issue as a “very sensitive subject,” and he added that the idea of dividing minority groups over immigration was “abhorrent and repulsive.”⁵³ Representative Emanuel Cleaver II (D-MO), also a CBC member, said of the Republicans: “it seems as though they would like for [the black and Hispanic communities] to think about immigration in terms of ‘us vs. them,’ and I reject that notion.”⁵⁴

Led by Representative Jackson Lee, the CBC’s pro-immigration stance extends to the DV Lottery. The CBC is the only official constituency that seems to take any interest in the continued existence of the program. Because the lottery has never been in serious danger of elimination, however, CBC support has remained latent. Nolan Rappaport, the former Minority Counsel on the House Immigration sub-Committee on Border Security, Immigration, and Claims who worked closely with Representative Jackson Lee in defending the program, described the CBC’s relationship with the lottery:

“If you were going to try to end the program, I think at that point the CBC would step forward and become active in the situation. But they weren’t active to my knowledge at all when we had [hearings in 2004 and 2005 scrutinizing the program]. So few people know about the program. I think if I had gone to the CBC meetings and told them about the program I might have stimulated some interest, but it really wasn’t in any danger so it didn’t matter much.”⁵⁵

He also expanded on the idea of “stimulat[ing] interest in defending the lottery, remarking that it could become a “politically charged issue. If you want to actually do away with this, you're going to [anger] the black community. That's not a good idea.”⁵⁶ With no imminent danger to the program, however, the Congressional Black Caucus has not felt compelled to make any public statements in support of the program.

Individual members of the CBC such as Representative Jackson Lee, however, have taken up the mantle of defending the program. In a 2005 hearing about a bill seeking to eliminate the program, Jackson Lee submitted a prepared statement that, after responding to several Republican arguments against the bill, concluded with the statement: “The Diversity Visa Program does what it was intended to do; it diversifies immigration to the United States. I believe very strongly that this is a benefit to the United States.”⁵⁷ Jackson Lee’s public statements resemble those of Kennedy and Schumer: she strongly emphasizes the program’s benefits in terms of diversity while declining to comment on the qualifications of DV migrants.

The single most important reason for the level of CBC support for the lottery, however, is its importance in stimulating African immigration. Publicly, Jackson Lee and other African American members of Congress rarely frame their support for the lottery through the prism of African immigration. But, according to Rappaport, she was “very much in favor of increasing opportunities for Africans to come to the United States.”⁵⁸ Jackson Lee did not support increasing African immigration in response to any constituent demands, Rappaport observed – it was simply a matter of “personal beliefs.”⁵⁹

While Rappaport observed that Jackson Lee’s support for African immigration was

out of personal convictions, there have also been coordinated efforts to increase the number of visas for Africans. A 2005 memorandum from two staffers of Congresswoman Barbara Lee (D-CA) outlined a proposal from one Representative Lee's constituents recommending that she introduce a bill called the "African Immigration Equity Act."^{IX} The Act would "increase the annual allocation of immigrant visas to persons from Africa" in an attempt to "*partially* redress the historical inequity rooted in our immigration laws, particularly the national origin quotas of enacted in 1920 and 1924."⁶⁰ The constituent who submitted the proposal, an immigration lawyer named Mark Silverman, works at a pro-immigrant legal resource center in San Francisco. Silverman advised Representative Lee that the best way increase levels of African migration to the United States would be to amend the DV Lottery to allocate more visas to African countries. He proposed several criteria for eligibility for that new allocation, including

(1) Persons from any sub-Saharan African country, [or] (2) persons from the West African countries from which the majority of the ancestors of African Americans were kidnapped, [or] (3) persons from African countries who have immediate relatives in the U.S, [or] (4) persons from African countries who have degrees or experience in certain fields that are deemed to be particularly beneficial to the African American community.⁶¹

Two of these criteria in particular – numbers two and four – are clear examples of the special connection between the African American community and African immigrants. They suggest that the roots of the CBC's support for the DV lottery lie in both a desire to right historical wrongs and in the idea of a special connection between African Americans and African migrants. In addition to addressing historical injustices against blacks in the U.S., CBC legislators also saw the lottery as beneficial to Africans. In fact,

^{IX} The full memorandum appears in Appendix B.

two of Representative Lee's staffers who reviewed Silverman's proposal wrote that, in "Address[ing] the disparity in African immigration," the proposal would "greatly benefit Africa and its 900 million inhabitants."⁶²

While there is no evidence that Barbara Lee ever acted on this specific recommendation, Sheila Jackson Lee did introduce a bill, the "Save America Comprehensive Immigration Reform Act of 2007," that sought to double the number of Diversity Visas. Jackson Lee introduced the bill with the backing of the Congressional Black Caucus, and 21 of the 22 co-sponsors were members of the CBC. While the bill addressed many immigration issues, Jackson Lee and other CBC members did address the issue of African migration specifically several times in a House Immigration sub-Committee hearing on November 8, 2007. Representative Carolyn Cheeks Kilpatrick (D-MI), speaking about a number of immigration issues, declared that one of the CBC's four guiding principles" for immigration reform was "immigration regulations that will increase diverse immigration among historically underrepresented regions such as the Caribbean and Africa."⁶³ The two key ideas in Kilpatrick's statement, "diverse immigration" and "historically underrepresented regions," also appear in Sheila Jackson Lee's prepared statement discussing the CBC's priorities for immigration reform. Under the headline of "diversity and equal treatment," Jackson Lee declared:

The CBC supports immigration criteria that will increase the diversity of immigration from countries that have historically been underrepresented, such as countries in the Caribbean and Africa, or treated unequally, such as Haiti. It is important to keep in mind which groups bear the brunt of the bad policy proposals in the immigration debate. They are primarily people attempting to migrate from Africa, Haiti and the Caribbean, Latin America, China, and other regions. While African Americans did not cross the borders to the United States voluntarily, historically as now, people of color (immigrants of color) are scapegoats for the economic ills of the United States and subjected to exclusionary laws that African Americans

have fought since slavery.⁶⁴

The themes of historical underrepresentation and currently unequal treatment for African immigrants strongly resemble the argument laid out in the memorandum to Barbara Lee proposing the “African Immigration Equity Act.” While the “Save America Act” did not include any provisions expressly aimed at increasing levels of African immigration to the U.S., the proposed doubling of the number of diversity visas would have achieved that goal.

Representatives Lee, Kilpatrick, Jackson Lee, and other CBC members who co-sponsored the “Save America Act” and have been steadfast supporters of the Diversity Visa Lottery publicly support the program because it diversifies the pool of legal immigrants to the U.S and provides an avenue for immigrants. Privately, however, their support for the program lies in their belief that immigration policy can play a role in righting historical injustices. There is little discussion about whether increased African immigration is in the United States’ economic interest. Furthermore, with the exception of one line in the Barbara Lee memorandum (“this [increase in visas] would greatly benefit Africa and its 900 million inhabitants”), there is also no explicit discussion of the impact of such policies on African countries or the experiences of African migrants themselves.

The Arguments Against the Diversity Visa Lottery

Opposition to the Diversity Visa Lottery comes from a large number of Republican legislators who, along with a small group of Democrats, have constantly assailed the program over the past decade. In contrast to the absence of a coordinated lobby supporting the lottery, a cohort of anti-immigration interest groups actively support the

legislators' efforts to eliminate the program. While there is hardly any Republican support for the DV Lottery in its current form, there have been differences of opinion over whether to amend the program or eliminate it entirely. Senate Republicans advanced a proposal to amend the program to increase the applicant education requirements, whereas opponents of the program in the House of Representatives – backed by the anti-immigration interest groups – are determined to simply end the program.

One of the most prominent arguments against the Diversity Visa Lottery is that it allocates visas to a group of people with no connection to the United States and, just as importantly, no qualifications beyond a high school degree. While all of the program's opponents have raised this issue, Senator Judd Gregg was the one who devoted the most attention to it. In the debate over his 2006 amendment, Senator Gregg argued:

We should be going across the world and saying: give us your best and your brightest; come here and participate in the American dream and raise the waters so that all the boats float higher. This lottery system, to the extent that it makes sense, should be built around that concept. It should not be built around the concept if you happen to have a high school education...you have some right to participate in a lottery to get into the United States. That makes no sense to us as a nation.⁶⁵

Gregg's main point – that an immigration lottery with minimal skill requirements does not serve the U.S.'s national interests – provides the impetus for his proposed amendment to allocate two-thirds of the lottery visas for applicants holding advanced college degrees. While Gregg may not have been a full supporter of the idea of a lottery in and of itself, he certainly considered a lottery with more stringent qualification requirements to be a major improvement from the program's current structure.

As the debate over his amendment continued, Gregg expounded on his belief that

the DV Lottery in its current form does not serve American interests. He declared in his speech:

If we are going to set up a lottery, not only should the person who wins the lottery be a winner and win the right to come to the United States, but the people of America should be winners by attracting into the country people whom we have a pretty good idea are going to be able to contribute to the betterment of our Nation because they will bring their talents.⁶⁶

51 senators joined Gregg and his five co-sponsors (including Senator Maria Cantwell, a Democrat) to vote in favor of the amendment. Only 7 Republicans opposed the measure (although it is unclear if that opposition arose from their support for the program as is or a desire to see the program eliminated entirely).

Senator Gregg's disagreement with the Democratic senators who supported the DV Lottery was rooted in philosophical differences over how immigration should contribute to America's national interests. The program's opponents in the House of Representatives, on the other hand, take a much harder stance toward the lottery. As opposed to engaging in a philosophical debate over the merits of the program, the most outspoken representatives assert that the lottery heightens the risk of terrorism and encourages criminality and illegal immigration in an effort to prove that the program should be eliminated entirely. Representative Bob Goodlatte (R-VA), who is one of the program's most frequent critics and has sponsored several bills seeking to eliminate it over the past decade, declared in a recent hearing about the DV Lottery: "Alarming, the visa lottery program is ripe for abuse by terrorists and foreign spies...With [LPR] status, terrorists and spies would have free reign to travel and plan terrorist activities within the borders of the United States."⁶⁷ Like Gregg, several of Goodlatte's bills have enjoyed bipartisan support. The group of 45 co-sponsors for Goodlatte's "Security and Fairness

Enhancement (SAFE) for America Act” included 7 Democrats. The bill, however, never made it out of committee.

In concert with Goodlatte’s 2005 bill, the Republican majority on the House sub-Committee on Immigration, Border Security, and Claims in the 109th Congress (2005-2006) decided to hold a hearing on the DV Lottery. That hearing featured some of the most outspoken opponents of the lottery, all of whom deployed their entire arsenal of arguments against the program. Goodlatte began his prepared statement by declaring that, “because winners of the visa lottery are chosen at random, the visa lottery program presents a serious national security threat.”⁶⁸ As evidence of that threat, Goodlatte related the story of Hesham Hedayet, an Egyptian lottery migrant who went on a shooting spree at Los Angeles International Airport in 2002. While Hedayet is the only documented “terrorist” to enter the United States through the DV Lottery, the program’s opponents often cite his case as evidence of the lottery’s potential to allow terrorists to immigrate to the U.S. Goodlatte then goes on to quote a 2003 report from the State Department’s Office of the Inspector General (OIG):

‘The Diversity Visa program contains significant risks to national security from hostile intelligence officers, criminals, and terrorists attempting to use the program for entry into the United States as permanent residents.’ Even if improvements were made to the visa lottery program, nothing would prevent terrorist organizations or foreign intelligence agencies from having members apply for the program who do not have criminal backgrounds.⁶⁹

Goodlatte’s focus on terrorism and his assertion that “nothing” could prevent people with malicious intentions from taking advantage of the program is designed to frame the program in a light that makes its continued existence unthinkable. Moving the debate over the program from a philosophical disagreement to a discussion of national security

greatly diminishes the prospect of a Gregg-like compromise.

In addition to concerns about terrorists with no criminal backgrounds who might be able to escape detection and immigrate through the DV Lottery, Republicans also voice concerns about the principle of admitting immigrants with no connection to the United States. George Fishman, currently the Chief Counsel of the Immigration sub-Committee, expounded on that idea in an August, 2010 interview: “the issue is that these people do not need to have any connection at all to the U.S. - no family member, no employer seeking them out - so therefore we know a lot less...and can be a lot less confident about their good intentions than we can about people who come through other mechanisms.”⁷⁰ Fishman went on to cite the Hedayet example as anecdotal evidence of the program’s susceptibility to terrorists. When queried about whether the State Department’s use of facial recognition technology and criminal background checks assuaged his concerns, Fishman responded:

The issue is [that] the vast majority of terrorists or people in terrorist organizations, the U.S. government intelligence agencies have no knowledge of those individuals. We have vigorously supported [the intelligence agencies], but they are only as good as the information in them. And the vast majority of people we're concerned about, we wouldn't have the information on them to be able to look for them. So for people with no connection to the US, who have been, for instance, in Somalia their whole lives, how much information would we have that would come out in a background check?⁷¹

Similar to Goodlatte’s attempts to reframe the debate over the DV Lottery in terms of national security, Fishman’s concerns about unknown terrorists infiltrating the United States through the lottery leave no room for compromise. So long as Fishman, Goodlatte, and other like-minded opponents of the lottery continue to fear the possibility of unknown terrorists gaining access to the U.S. through the DV Lottery, the fact that none

of the hundreds of thousands of lottery migrants have ever carried out a catastrophic terrorist attack will not change their position.

Many DV lottery supporters have attempted to counter the assertion that the program is particularly vulnerable to terrorists. In his 2005 testimony, for example, Morrison said of the terrorist threat: “The fact is that our 9/11 hijackers all got here using nonimmigrant entry opportunities....trying to manipulate a lottery seems to me to be a very low priority exercise for terrorists. They have much more direct ways to threaten us.”⁷² In addition to Morrison’s example of the 9/11 hijackers entering the U.S. on seemingly innocuous student visas, the fact remains that any single applicant has extremely low odds – approximately 0.04% in the 2010 DV Lottery, for example – of obtaining a visa through the lottery.⁷³ In response to those criticisms, Fishman asserted that having LPR status affords certain benefits to a potential terrorist (such as freedom of movement in and out of the country) that make the lottery an attractive option despite the low odds of winning.⁷⁴ There is no concrete data, however, on whether DV Lottery migrants had a markedly higher rate of engaging in criminal or terrorist acts in the U.S. compared to migrants from other immigration categories or the U.S. population as a whole.

The second most prominent argument against the lottery is that the program is rife with fraud. The 2003 OIG report, in addition to warning against the danger of terrorists using the lottery to gain access to the U.S., also declared “the DV program is subject to widespread abuse...Identity fraud is endemic, and fraudulent documents are commonplace.”⁷⁵ Goodlatte cited the OIG report’s warnings about fraud in his 2005 testimony, emphasizing the report’s finding that 346,000 of the 5.8 million applicants

(6.2%) in the 2003 DV Lottery were disqualified because they had submitted duplicate applications.⁷⁶ Concerns about fraud schemes also include their potential to victimize unsuspecting immigrants. In his 2005 testimony, Goodlatte spoke of a “cottage industry featuring sponsors in the U.S. who falsely promise success to applicants in exchange for large sums of money.”⁷⁷

The final argument that Goodlatte and other lottery opponents give for the elimination of the program is that it is “unfair.” That assertion stands in stark contrast to the lottery supporters’ oft-repeated claim that the program serves to restore fairness to an otherwise unfair immigration system. In Goodlatte’s opinion, however, the lottery is unfair on three levels: it does not expressly prohibit illegal immigrants in the United States from applying, lottery winners’ visa applications are processed much more quickly than family or employer-sponsored immigrants, and it prohibits nationals from countries with large numbers of immigrants to the U.S. in recent years from applying.⁷⁸

The lottery’s opponents argue that it provides an incentive for illegal immigrants to stay in the U.S. in hopes of eventually obtaining a visa through the lottery. Goodlatte argued that the program “does not expressly prohibit illegal aliens from applying to receive visas through the program. Thus, [it] treats foreign nationals that comply with our laws the same as those that blatantly violate our laws.”⁷⁹ There is no exact data available about the number of lottery winners who applied while they were staying in the U.S. illegally. Looking at the structure of the program, however, it is clear that the only way for an illegal immigrant to win the lottery would be to apply as a “status-adjuster” – someone already in the U.S. on a non-immigrant visa who then obtains LPR. While it is possible in theory for an illegal immigrant to win the lottery, the overall percentage of

lottery winners who are status-adjusters is very small: in 2009, for example, they accounted for only 1,277 (3%) of the 47,879 winners.⁸⁰

In terms of the fairness issue, the lottery's opponents argue that the program discriminates against certain countries. As described in Chapter 1, citizens of "high-admission countries" that have sent more than 50,000 immigrants to the U.S. within the past five years, are not eligible to apply for the lottery. That rule, according to Goodlatte, is "discriminatory" and "arbitrary."⁸¹ The lottery's supporters respond that the program was not created to simply increase levels of immigration from all countries of the world. As Bruce Morrison pointed out earlier in the same hearing, the lottery sought to provide "a counterbalance to the concentration of source countries for immigrants that results from family and employment-based immigration [and create] an avenue for legal immigration from abroad for those without pre-existing family or employment relationships in the United States."⁸² Thus, in the opinion of Morrison and other supporters, the exclusion of citizens of certain high-volume countries from participating in the lottery is commensurate with the program's goals. There are already plenty of opportunities (family, employers, etc.) for citizens of ineligible countries such as Mexico, China, and Haiti to immigrate to the United States; they claim that having a lottery that is reserved for immigrants from low-immigration countries actually makes the U.S. system fairer.

Finally, Goodlatte argues that the lottery is unfair because it gives immigrants an express ticket to the United States. In Goodlatte's own words:

Most family-sponsored immigrants currently face a wait of years to obtain visas, yet the lottery program pushes 50,000 random immigrants with no particular family ties, job skills or education ahead of these family and employer-sponsored immigrants each year with relatively no wait.⁸³

Goodlatte is correct in pointing out that DV Lottery migrants have a much shorter wait before obtaining a visa than most family and employer-sponsored immigrants. Whereas DV Lottery immigrants are required by law to obtain an immigrant visa within one calendar year after winning the lottery, wait times for family and employer-sponsored immigrants can exceed 20 years.^x

Goodlatte's argument about the unfairness of the expedited visa process for DV migrants hinges on the idea that the processing of lottery visas occurs at the expense of family and employer-sponsored visas. Three State Department consular officers in Egypt, however, declared that the processing of DV Lottery visas and visas in other immigration categories are done entirely separately. Mary Grandfield, the Deputy Consul General at the U.S. Embassy in Cairo, said that the DV Lottery "did not diminish the ability of the consular section to work on other programs."⁸⁴ The consular officers also pointed out that the DV Lottery is entirely self-financing. In addition to the \$400 visa fee, every migrant pays a surcharge that is recalibrated every year to cover any gap between revenues from visa fees and the costs of administering the program.⁸⁵ Goodlatte rightly identifies long waiting times for some family- and employer-sponsored migrants as a serious issue in the U.S. immigration system. According to the State Department Consular Officers, however, the implication that the DV Lottery contributes to those delays is incorrect.

Interest Group Opposition to the DV Lottery

When asked if there were any pro-immigration interest groups supporting the DV

^x The most up-to-date information on visa waiting times and precise descriptions of family visa and employer-sponsored preference categories can be found on the State Department's website, http://www.travel.state.gov/visa/bulletin/bulletin_5228.html

Lottery, Bruce Morrison answered bluntly: “The Diversity Visa has no domestic constituency. There’s nobody.”⁸⁶ On the other side of the spectrum, however, several anti-immigration interest groups have sought the program’s elimination. The influence of those groups, as demonstrated by their presence at every single Congressional hearing regarding the DV Lottery over the past ten years, is one of the primary factors contributing to the hard-line stance of the program’s opponents in the House of Representatives. Whereas lottery opponents have differed on whether to modify the program or eliminate it entirely, the most outspoken anti-immigration groups have unanimously supported outright elimination. In addition to agreeing with all of the talking points of the members of Congress opposing the program, representatives of these groups go beyond the premise that it is bad immigration policy. They argue that the Congress should eliminate the program as part of a comprehensive strategy to decrease levels of immigration to the United States.

The Center for Immigration Studies (CIS) is one of the most outspoken anti-immigration groups in Washington, D.C. In the Center’s own words, it is “animated by a ‘low-immigration, pro-immigrant’ vision of an America that admits fewer immigrants but affords a warmer welcome for those who are admitted.”⁸⁷ Its Executive Director, Mark Krikorian, testified at the two most recent DV Lottery hearings in 2004 and 2005. His 2005 testimony included many of the same arguments advanced by Goodlatte (security threats, fraud, the unfairness of expedited visa processing, and encouraging illegal immigration). Krikorian supplemented those arguments with the assertion that the DV Lottery did not even serve its intended purpose of diversifying the immigration stream. Krikorian wrote in his prepared statement:

Despite the moniker, the lottery has done nothing to diversify the immigrant flow. In FY 2003, the top ten immigrant sending countries were the source of more than half of that year's total legal immigration, almost exactly the same percentage as ten years earlier. In fact, taken as a whole, the nation's total immigrant population (legal and illegal) has actually become *less* diverse during the course of the lottery.⁸⁸

As evidence of the DV Lottery's failure to diversify the immigrant flow to the U.S., Krikorian pointed out that the percentage of immigrants from Mexico and Latin America had increased in the 1990s despite the lottery's existence. The lottery, however, did not contribute to that increase in immigration from the Americas. In 1999, for example, only 2,897 out of a total of 47,571 lottery visas went to North and South America combined. In addition to the fact that the lottery did not contribute to the increase in Mexican or Spanish-speaking Latin American migration, Krikorian also implies that the lottery is a failure because it should have done more to diversify the flow of immigrants. Given the size of the lottery, however, it is impossible to argue that the program alone would be able to fundamentally alter the major sources of immigration into the United States. In 2005 (the year of Krikorian's testimony), for example, the lottery accounted for 4% of all LPRs. Krikorian could make a legitimate argument about the need to change the structure of U.S. immigration in order to decrease rates of immigration from Mexico and Spanish-speaking countries in Latin America. It is misleading, however, to say that the lottery has not achieved its intended purpose because other aspects of the U.S. immigration system have continued to yield increases in the numbers of migrants from high volume countries.

CIS and other like-minded groups also disagree with the assertions of Morrison, Kennedy, and other lottery supporters that self-selection should be an important principle

in the U.S. immigration system. John Wahala, an Assistant Director at CIS, characterized the DV Lottery as “pull[ing] people in a disruptive way out of their countries, out of their lives, and gives them an opportunity to come here that they may or may not be equipped for.”⁸⁹ In Wahala’s view, the lottery’s provision of an otherwise non-existent opportunity to immigrate to the U.S. is a potentially dangerous attraction for migrants who “may or may not be equipped” for life in the U.S. Whereas Morrison and his fellow supporters believe that prospective migrants should be able to make their own decision about whether to immigrate, Wahala would rather limit the opportunity to make that decision – both for the migrant’s own good and the interests of the United States.

Wahala went on to expand on the idea of why eliminating the program would be in the best interests of prospective migrants: “it’s not good policy to dangle this enticement...in front of millions of people and then only offer a few select spots being filled by a few people who have no guarantee of success in the U.S., no knowledge of life in the U.S. It’s just disruptive, and we just don’t think it’s good policy.”⁹⁰

Despite the fact that he is from a group that advocates for the complete elimination of the program, Wahala’s argument in this case could be construed as a call to increase eligibility requirements for DV Lottery migrants. Judd Gregg’s plan to allocate two thirds of all diversity visas to immigrants with advanced degrees, for instance, was an effort to increase a diversity immigrant’s chances for success in the U.S. Wahala went on to say later in the interview, however, that he fully supported elimination: “[it’s] the way people are selected [that] we have an issue with... [there are other ways to introduce] skills requirements into our legal immigration system...and we could select people through other mechanisms that would probably be a lot more effective than the lottery.”⁹¹

To Wahala and other advocates for lower levels of immigration, the seemingly arbitrary allocation of visas makes the DV Lottery one of the most illogical aspects of the U.S. immigration system and a prime candidate for elimination.

Conclusion: Whence the Diversity Visa Lottery?

The debate over the Diversity Visa Lottery has centered around the principle of allocating visas through a lottery system, eligibility requirements, desires to see increased levels of African migration to the U.S., and security concerns. The fact remains, however, that none of those issues is likely to singlehandedly affect the future of the DV Lottery as much as the politics of immigration as a whole. Legislators and activists on both sides of the debate have staked out clear positions, but neither side is able to achieve its goals vis-à-vis the DV Lottery because Congress has repeatedly failed to pass a comprehensive immigration reform bill.

For some, however, hope springs eternal. Just as the 112th Congress began, Bob Goodlatte once again took up the initiative to eliminate the DV Lottery. He and Representative Darrell Issa (R-CA) introduced H.R. 43 on January 5, 2011, a bill that would “amend the Immigration and Nationality Act to eliminate the diversity immigrant program and to re-allocate those visas to certain employment-based immigrants who obtain an advanced degree in the United States.”⁹² This ostensible willingness to back down from an insistence on complete elimination of the 55,000 diversity visas in favor of a reallocation of those visas to advanced degree holders is a major policy shift for Goodlatte. The bill is still before the House Immigration Sub-Committee. With the new Republican majority in the House, however, it stands a good chance of passing. Furthermore, given the strong support for the Gregg amendment in 2006 and the passing

of Ted Kennedy, one of the lottery's staunchest advocates, it is plausible that a large group of senators may throw their support behind the bill, too. 2011 may well be a fateful year for the Diversity Visa Lottery.

Chapter 3

The Immigration Process for Winners of the Diversity Visa Lottery

When a migrant who has obtained a visa to the United States through the Diversity Visa Lottery first steps onto American soil, he begins the long and difficult process of acclimating himself to a new country, culture, and, in some cases, language.^{XI} Those first steps, however, also represent the end of a process. Before any potential migrant obtains a visa through the Diversity Visa Lottery, he must first navigate the application process. While DV Lottery migrants enjoy a relatively swift adjudication process – just one year elapses between the time an applicant applies and when he obtains a visa to the United States – that constricted time frame can also place immense hardships upon potential migrants.

Official information from the State Department’s website about the Diversity Visa Lottery only reveals a limited amount about the process of obtaining a visa through the program. I will describe the process from start to finish in this chapter using information from interviews with State Department administrators and the six DV Lottery migrants

^{XI} Throughout this chapter and the rest of the thesis, I use the singular “he” to refer to both male and female migrants.

mentioned in the Introduction. I pay special attention to identifying obstacles that can have the effect of preventing some migrants from obtaining visas. Understanding those obstacles is an important first step in analyzing the types of people who enter and win the DV Lottery.

The first step in the process for any potential applicant is learning about the DV Lottery's existence. There are three ways that a migrant might learn about the program. First, the State Department allocates money for official publicity campaigns. Embassies in DV Lottery-eligible countries issue press releases at the beginning of the 30-day application period, consular officers hold press conferences to announce the program and field questions about the application process, and local newspapers and radio stations run advertisements publicizing the program. Because the level of interest in the program is already so high, DV Lottery publicity campaigns focus primarily on providing information about the application process.⁹³ Alternatively, a migrant might learn of the program from a visa agent. In recent years, a cottage industry has sprung up of visa agents who offer to assist people through the DV Lottery application process. These agents use the promise of a visa to the U.S. as their main marketing tool. Stanley, for example, said that he first learned of the DV Lottery when he saw an agent's advertisement in a Kenyan newspaper. I will discuss the agent phenomenon and its impact on prospective migrants in more detail later in this chapter. Finally, information about the DV Lottery spreads by word of mouth. John heard about it from a fellow teacher at his school in Ghana. Stephen learned about the program from fellow Nigerian students at the University of Massachusetts.^{xii} It is unclear which of these methods is the

^{xii} Stephen is one of a small minority of DV Lottery winners who are "status-adjusters." So long as an applicant was born in a country eligible for the DV Lottery, he can apply to the program even if he is

primary purveyor of information about the program. The fact that more than 16 million people applied to the program in 2010, however, shows that information about the program has spread widely throughout DV Lottery-eligible countries.

Lottery applicants must complete and submit an online form to enter the DV Lottery. In an effort to streamline the process, the State Department has implemented several changes in recent years. Prior to 2005, the DV Lottery was administered entirely on paper. Applicants had to submit their forms by mail, and all further correspondence between them and the State Department also went through the mail. In 2005, however, the State Department moved the application online, and in 2010 it transferred the entire process (from applying to notifying the winners) online. In addition to easing the administrative burden of processing the applications, the online-based system is also a way to combat fraud and minimize the opportunity for visa agents to take advantage of applicants.⁹⁴ When it decided to move the application online in 2005, the State Department faced some resistance from politicians who feared that potential applicants in the developing world without internet access would be shut out from the process.⁹⁵ The steep increase in applicants over the past five years suggests that the online process has actually made the DV Lottery more accessible. Due to the general paucity of information about applicant demographics, however, it is not currently possible to know whether the digital shift has affected the types of people who apply.

Although there is no application fee for the DV Lottery and applicants do not even have to buy a postage stamp, there is still a robust industry of visa agents who, for a

already in the United States on a different type of visa. In Stephen's case, he was studying at the University of Massachusetts on a student visa and decided to apply to the DV Lottery on a whim to see if he might get lucky and win. When he did, he decided to go through the DV Lottery process to obtain LPR because it was much faster and easier than trying to obtain LPR through his student visa program after graduating college.

fee, offer to shepherd applicants through the process. A 2005 Government Accountability Office report on the fraud risk posed by the DV Lottery queried consular officers in a number of high-volume posts in Africa, Eastern Europe, and Asia about their experiences with these agents. All of them reported that the agent business was “booming.” In a poor region of Ukraine, one officer reported that, in addition to the agents’ advertisements in local papers, “two such businesses had office buildings decorated with large American flags.” An officer in Ghana reported that visa consultants “targeted university students as potential clients and set up information tables on university campuses to enroll students into the DV Lottery.” Furthermore, a number of the officers reported that the agents deliberately spread “inaccurate or misleading information” about the DV Lottery in an effort to sign up new clients. A former consular chief in Nepal said that the biggest challenge for his post was “counteracting the incorrect information the visa industry put out.”⁹⁶

Three of the six migrants whom I interviewed had employed the services of an agent during the application process. Their evaluations of the agents ranged from Ahmed’s description of his agent as quite helpful to Stanley’s and John’s assertions that their agents withheld information or coerced them into paying substantial fees throughout the application process.

Ahmed said that he chose to go to a visa agent because he did not know English well enough to complete the DV Lottery application. He contacted a “well-known” agent on the recommendation of several friends who had previously employed his services when they applied to the DV Lottery. For a fee that he described as “not expensive,” the agent took a photo of him, helped him fill out the preliminary application, and then

assisted him with additional paperwork that he had to fill out after he was notified that he had won. Whereas some agents demand that their clients list the agent's address as their own (which enables the agent to charge a fee to the client to retrieve his winning letter), Ahmed's agent had no problem with him using his home address.⁹⁷

In contrast to Ahmed's positive experience, an agent misled Stanley into believing that there was an application fee for the DV Lottery. Stanley first learned about the program from an advertisement that the agent placed in a local newspaper. Lacking information about the program from any other source, he contacted the agent, whose offices were located in Germany, in 2005. The agent sent Stanley the application forms (leaving out the part that warned applicants against paying any outside service for help with the application), he filled it out and returned it to the agent, and the agent then submitted it for a fee of \$174. Stanley did not win the lottery that year, but the agent sent him a new copy of the application for the following year. He also received a letter from the agent telling him that he was "almost there" and that his chances of winning this year's lottery were very high. For the next two years, Stanley again paid the agent to submit his application (costing him \$200 the first year and \$240 the second year). In the paper-based notification system, the State Department did not notify people who had not won the DV Lottery. Thus, Stanley never saw any official correspondence from the State Department that would have informed him that the applying to the program was completely free. However, when Stanley received a letter in 2007 notifying him that he had won, he saw that it explicitly cautioned applicants against paying visa agents. The agent requested that Stanley pay him \$800 to fill out the forms for the visa application process, but Stanley refused. Because he had the notification letter in hand, the agent had

no way to force Stanley to pay. Thus, aside from the service that the agent provided in alerting Stanley to the existence of the DV Lottery, he effectively defrauded him out of \$614.

Whereas Stanley was able to withstand the financial hit that he took from paying an agent, John's case provides the most sobering example of the havoc that agents can wreak on DV Lottery applicants. John knew nothing about the DV Lottery until a co-worker at the school where he taught handed him an application form and told him that she would submit it for him. He filled it out and proceeded to "forget about it," but several months later someone came looking for him with the news that he had won and that he should go meet the man who had his winning letter. John traveled to a church in a neighboring town where he met a pastor who, he soon found out, also worked as a visa agent and had submitted John's application materials several months earlier. The agent assured John that he would not charge him a fee, but he introduced John to another woman and informed him that he would have to pretend that she was his wife and obtain a visa for her, too.

Enterprising visa agents, in addition to charging applicants for their services, also offer to arrange "immigration marriages" between DV Lottery winners and people who want to move to the U.S. These arranged marriages come at a heavy price – the woman who the agent matched up with John paid the agent more than \$3,150, and other sources have found prices to be as high as \$14,500.⁹⁸ Although John did not report that he had a wife on his initial application, the State Department permits winning applicants to file for a visa for their wives if they married between the time the application was submitted and the notification that they won. While some applicants do enter into legitimate marriages

in that time period, many of these so-called “pop-up” spouses whom winning applicants claim to have at their visa interview are not actually their true spouses.

These pop-up marriages pose a huge problem for the State Department. It is completely legal for an immigrant who has entered into a legitimate marriage to obtain a visa for his spouse, too. However, marriages for immigration purposes only are illegal, and, if the consular officer finds that the DV Lottery winner listed a pop-up spouse on his official interview form, he will disqualify him on the spot. While some pop-ups are easy to spot (a consular officer in Nairobi spoke of cases in which the “spouses” would forget each other’s names), in many cases it is quite difficult to ascertain an applicant’s true intentions when he married.⁹⁹ Because the embassies have a limited capacity to send field teams to investigate and applicants can often obtain forged marriage certificates, consular officers often resort to more creative methods to determine if the marriage was real. In Nairobi, a consular officer said that the embassy staff will sometimes split up the husband and wife and ask simple yet unpredictable questions such as “what side of the bed does your spouse sleep on?” or they will ask each one to draw a diagram of the couple’s house (with the assumption that pop-up spouses would not actually live in the same house and thus their drawings would not match).^{XIII} One DV Lottery winner from Kenya who was married with a child had to submit a DNA test to the embassy to prove that he and his wife were the real parents of their child. The consular officer has the final say on whether to grant the immigrant a visa. As John Wilcock, the primary

^{XIII} Word spread quickly in Kenya that the embassy was using innovative new methods to ferret out the truth about pop-up spouses. As a result, embassy officers began to witness a new phenomenon (dubbed “pop-up/pop-out”) in which DV Lottery winners who had initially indicated that they had married between the time of submitting their application and receiving the notification that they won would come into the visa interview and, without batting an eyelash, claim that their “spouses” had either died or divorced them. Applicants have until the final interview to confess that they didn’t actually marry their spouse for love without any penalty, and so all of the applicants who had “pop-up/pop-out” spouses avoided disqualification.

administrator of the DV Lottery, pointed out, however, the officer cannot simply reject a husband or wife on a hunch – there must be some persuasive evidence that the marriage was entered into exclusively for immigration purposes.¹⁰⁰

In John's case, he went to the embassy in Accra, Ghana with his pop-up wife to fill out paperwork and sit for the visa interview. The agent also accompanied them, and he only gave John his winning letter when they reached the embassy gate. After John entered the embassy and was waiting to be interviewed, he saw that having a pop-up spouse would disqualify him and cause him to forfeit the \$500 application fee. He decided that he would not take that risk and proceeded to fill out the form truthfully (requesting a visa for himself only). He returned to the agent and his pop-up wife waiting outside and explained the situation to them. While the woman understood, the agent was furious. A few days later, John received a call from agent demanding that John pay him \$700. As he later discovered, the pop-up wife's family had paid the agent a \$700 deposit that he had promised to refund if she did not obtain a visa. John learned, however, that the agent had spent the money and was unable to pay back the woman's family. John managed to collect \$700, which he paid to the agent, expecting that the agent would then give him his winning letter and allow him to finish the application process. But the agent still refused to give John his letter. He demanded that John pay him \$2,400 more if he wanted it, and when John declared that he was unable to do so, the agent forced him to go to court to sign an affidavit consenting to pay the agent \$2,400 at a later date. Only after signing that document did he receive the letter. John realized the unfairness of the situation, but he knew that he had little bargaining power because he was in such a rush to complete the application process. He is still in the process of repaying the agent.

Making matters worse, John said that his wife (who stayed behind in Ghana) is frequently harassed by the agent who wants to know when John will finish repaying his “debt.”¹⁰¹

In an effort to clean up the rampant fraud that used to mar the program, the State Department has implemented a number of enhanced security measures in recent years. Two of the most significant of these measures are the use of facial recognition technology and fingerprint identification to screen every migrant. When an applicant submits his initial documents, he must include digital photographs of his face and the faces of any dependents that he includes in his application. If that applicant wins, the State Department will use its facial recognition technology to ensure that he and his dependents are the same ones who filed the application. In a similar manner, the use of fingerprint technology ensures that any applicant who applies for any type of visa will have his fingerprints entered into a database. If an applicant were rejected for any sort of visa prior to winning the DV Lottery because the State Department considered him a security threat or if he had previously been deported from the U.S., the consular officers would be able to use his fingerprints to make sure that he did not reapply under a pseudonym.¹⁰² The availability of the technology means that the State Department no longer has to rely on identification documents such as driver’s licenses or passports that are vulnerable to forgery. While document forgery is still an issue for high school diplomas or marriage certificates, the State Department can be sure that the DV Lottery winners who appear for an interview are the same ones who filed the initial application.¹⁰³

After receiving the winning letter, applicants must fulfill a number of requirements before receiving a visa. Every migrant must obtain a passport (if he did not already have one), undergo a medical checkup at a State Department-certified medical

clinic, pay a visa fee, and sit for an interview with a consular officer at a U.S. embassy. This process can be time-consuming and expensive (especially if a migrant has a large family that he is bringing with him to the U.S.). Stanley estimated, for example, that he incurred \$20,000 worth of expenses in order to obtain visas for himself, his wife, and his four children. For each member of his family, he paid \$40 for passports, \$900 for a medical exam, and \$920 for the visa fee. Furthermore, he and his family had to make the seven hour journey from their home in western Kenya to Nairobi three separate times to complete each step of the process, and he had to buy plane tickets for everyone to travel to the U.S. as well.

The interview itself is usually very brief. Consular officers in both Egypt and Kenya said that they usually spend only a few minutes with each applicant, mainly checking to make sure that he meets every requirement and that all of his documents are valid. In addition to requiring that the principal applicant hold at least a high school degree, the State Department also requires proof that he will not become a charge of the state upon arriving in the United States. A migrant can prove that he has enough money to be financially independent upon arriving in the U.S. Stanley, for example, had to show that he had \$1,000 saved in a bank account for each member of his family.^{XIV} Another way for a migrant to prove that he will not become a charge of the state is to find a sponsor. A consular officer in Ghana, for example, immediately approved John when he presented an affidavit of support from his sponsor in the U.S. Once the consular officer gives his final assent, the migrant and any dependents that he is bringing receive immigrant visas to the United States that are valid for one year. They will not receive the

^{XIV} It is unclear if the \$1,000 threshold is a uniform requirement for proof of financial independence or whether the criteria vary from embassy to embassy.

actual “Green Card” until several weeks after they arrive. The last expense that every migrant (with the exception of status-adjusters) must incur is the cost of a plane ticket to the United States.

As the stories of Stanley and John show, every DV Lottery winner must undergo a long and expensive process to obtain a visa to the U.S. While it is impossible to come to a solid conclusion about the extent to which this process filters out poor or unmotivated potential migrants, it is clear that any DV Lottery winner must at least have access to a significant amount of money and the ability to navigate a complicated, bureaucratic maze. Theoretically, those two traits should bode well for a migrant’s prospects for success in the U.S. On the other hand, the cost of the process and the sacrifices that some migrants make to get through it may handicap them in the future. Reaching into personal savings, selling personal assets, or taking loans to cover the costs of the application process can put a heavy burden on the migrant and erode any safety net that he may have had upon arriving in the United States.

Chapter 4

Demographics, Characteristics, and Early Employment

Outcomes of Diversity Visa Lottery Migrants

The crux of any political debate over the Diversity Visa Lottery should be migrant characteristics and outcomes. While scholarship on immigrants in the U.S. often compares them to natives, I will compare Diversity Visa Lottery principal migrants (“DV migrants”) to other LPRs. DV migrants equal or exceed other immigrants in terms of educational attainment and English language ability. Their relatively strong educational and language backgrounds, however, do not have a significant impact on their ability to find a job soon after arriving in the U.S. In fact, DV migrants face more initial difficulties in the labor market than other immigrants because so few of them have experience in the U.S. prior to obtaining LPR. Black DV migrants (almost all of whom are from Africa) confront the same challenges as their white counterparts, but they have an even harder time finding employment, which is possibly a manifestation of the disadvantages that blacks face in the U.S. labor market.^{xv}

Methodology and Data:

^{xv} Although he did not distinguish between African-Americans and African migrants to the U.S., Cedric Herring observed in a 1995 article discussing several theories of African-Americans’ disadvantages in the U.S. labor market that African-American males with college degrees earned only 70 cents for every dollar that their white counterparts received. For a more detailed discussion, see Cedric Herring, “African Americans and Disadvantage in the U.S. Labor Market,” *American Research Perspectives* 2 (1995), 55.

This chapter begins with a review of publicly available information on the demographics of DV migrants. The Office of Immigration Statistics (OIS) publishes a “Yearbook of Immigration Statistics,” which contains basic information about the demographics and previous employment of legal immigrants organized by class of admission. In order to analyze DV migrant characteristics in-depth and early labor market outcomes in the U.S., I will use data from Princeton University’s “New Immigrant Survey” (NIS). That analysis consists of a compilation of descriptive statistics comparing the demographics and characteristics of DV migrants to other groups of LPRs. I will then use multivariate analysis to highlight the factors affecting an immigrant’s prospects for finding a job soon after obtaining LPR.

The New Immigrant Survey contains data about a nationally representative sample of legal immigrants to the U.S. when they obtain LPR. The survey includes questions on dozens of topics, ranging from family characteristics to health to income and assets to schooling. It also enables comparisons of immigrants based on category of admission.¹⁰⁴ While the NIS contains information about 8,573 immigrants, I have eliminated 2,763 of those observations in order to conduct the multivariate analysis because of missing answers, non-responses, or occasionally egregious outliers. Appendix C contains more information about the dropped observations and definitions of the variables used in these analyses.

Literature Review: What do we know about DVs in comparison to other migrants?

There are publicly-available data and a small body of scholarship concerning the demographics, characteristics, and experiences of DV migrants in the U.S. The U.S. Office of Immigration Statistics (OIS) publishes the “Yearbook of Immigration

Statistics,” which contains basic information about all legal immigrants organized by class of admission. Table 4.1 provides a cross section of some of these data for immigrants who obtained LPR in FY 2009.

DV Migrants and All LPRs at Admission (FY 2009)		
Table 4.1	DV Lottery	All LPRs
Number	47,879	1,130,818
Status Adjusters (%)	2.7	59
New Arrivals (%)	97.3	41
% Male	57.1	45.3
Age Range (50th Percentile)	25-29	30-34
Married (%)^{XVI}	44.1	57.9
Professional or Managerial Occupation (%)^{XVII}	49.8	19.9
Unemployed (%)	6.7	17.7

DV Lottery migrants differ significantly from U.S. immigrants as a whole in nearly every category. While the OIS Yearbook does not include information about characteristics such as educational background, English language ability, or race, the data about professional and managerial occupations suggests that DV migrants have stronger employment backgrounds than other LPRs.^{XVIII} The implications for employment

^{XVI} This statistic for marital status differs from its counterpart in Table 4.2. Because of the nature of the U.S. immigration system (and the structure of the yearbook) I was unable to calculate the percentage of principal migrants who came to the U.S. with a spouse. Thus, whereas Table 4.2 calculates the marital rate as a percentage of all principal migrants, this table calculates the marital rate as a percentage of all DV migrants and all legal immigrants, respectively.

^{XVII} I have excluded immigrants who were labeled children, students, and retirees from these two calculations in order to more accurately reflect the percentages portions of the workforce only.

^{XVIII} The OIS data about employment background does not distinguish between jobs held in a migrant's country of birth and jobs held in the U.S. Thus, while a new arrival might report that he worked in a highly-skilled occupation in his home country, there is no guarantee that he will find a similar job in the U.S.

prospects in the U.S., however, are unclear. DV migrants are much more likely to be employed in a professional or managerial occupation and much less likely to be unemployed than immigrants at large. The fact that an extremely high percentage of DV migrants are new arrivals, however, suggests that the assimilation process will be particularly hard for them.

Using publicly-available data from the Immigration and Naturalization Service in the 1990s, Arun Lobo found that Diversity Visa Lottery winners tend to have more education and work experience than immigrants from the family visa and refugee categories. Lobo also found that DV migrants ranked second only to employer-sponsored immigrants in terms of the percentage of professional and managerial workers. African DV migrants accounted for a 47% increase in African immigration to the U.S. 1990s, but they accounted for a 63% increase in the number of African professional and managerial workers.¹⁰⁵

There have also been several studies comparing characteristics of legal immigrants using data from the New Immigrant Survey. The 1996 U.S. Commission on Immigration Reform led by Barbara Jordan used data from the NIS pilot survey to compare immigrants from the four major admission categories. The commission found that DV migrants fell behind employer- and family- sponsored migrants in terms of English ability.¹⁰⁶ In terms of education, DV migrants were more likely than both family-sponsored migrants and refugees to hold a college degree, but they fell significantly behind employer-sponsored migrants.^{XIX}

^{XIX} Although the Jordan Commission primarily used data from the NIS, it was able to obtain education data for DV migrants from the records of the State Department. The State Department keeps data about all DV winners, but it classifies them as “sensitive” and does not make them available to the public. Researchers at the Center for Global Development in Washington, D.C., however, have recently succeeded in gaining

Using data from the first wave of the New Immigrant Survey in 2003, Ilana Akresh analyzed changes in occupational prestige between an immigrant's last job in his home country, his first job in the U.S., and his current job.¹⁰⁷ She found that, compared to their last jobs in their countries of birth, all migrants faced an initial downgrading in occupational prestige when they reached the U.S. Both male and female DV migrants, however, suffered the sharpest drop of all admission categories. Furthermore, unlike other LPRs, they tended not to see an improvement in occupational status between their first U.S. job and their current job. In a separate study, Akresh found that highly-skilled immigrants from Latin American and the Caribbean were much more likely than immigrants from Europe, Australia, or Canada to work in a job in the U.S. that required lower qualifications than their last job before migrating.¹⁰⁸ She thus concluded that the relative value in the U.S. labor market of human capital acquired in Latin America and the Caribbean was lower than human capital acquired in Europe, Australia, and Canada.

Researchers have differed on the strength of the link between admission category and migrant outcomes. Surveys of Australian migrants in 1994 and 1995 indicated that admission category is generally a good indicator of initial employment prospects: six months after arrival, immigrants admitted for work reasons had significantly higher employment rates than immigrants in other visa categories.¹⁰⁹ Other longitudinal studies of U.S. and Canadian immigrants in the 1980s and 1990s have corroborated those findings about initial employment rates, but they also show that the occupational statuses and earnings of employment migrants and non-employment migrants converge over time.¹¹⁰

access to those data through the Freedom of Information Act and will be using them for further analysis of the characteristics of DV migrants.

One final piece of information to consider about how African DV migrants in particular will fare in comparison to other migrants comes from the experiences of consular officers in Kenya and Egypt.¹¹¹ Officers in both embassies said that a majority of winners in the two countries were young men with only a high school degree. Furthermore, they reported that, from the appearance of their transcripts, most of the winners were not particularly high-achievers in high school. The consular officers said they saw more C and D students than A and B students – a phenomenon that they attributed to the fact that A and B students would be more likely to go on to college and thus not be as motivated to leave their country of birth. They added that most of the young winners did not have good command of English (and some did not know the language at all).

Descriptive Statistics from New Immigrant Survey

Table 4.2 lays out descriptive statistics about immigrant demographics, characteristics, and migration history. While I am primarily concerned with DV migrants as a whole and sub-Saharan African DV migrants in particular, comparing demographic information and labor market outcomes across classes of admission and region of origin is critically important in providing context for the data about DV migrants. Data from the binary questions are presented as percentages, whereas data from the numerical questions are presented as averages.

Basic Personal Characteristics

Echoing the anecdotal observations of consular officers in Kenya and Egypt, DV Lottery migrants are, on average, younger and more likely to be male and unmarried than any of my other groups of immigrants in the NIS. That tendency also holds true when

examining African DV migrants in particular. In contrast to family- and employer-

Table 4.2: LPR Demographics, Educational Background, Employment Status, and Migration History							
	Entire Cohort	All DV	Africa DV	Residual DV	Non-DV	New Arrivals	Status-Adjusters
Number of Observations	8573	1451	465	986	7122	4171	4,402
Percentage of Total	100	16.9	32	68	83.1	48.6	51.4
Male (%)	48	58	64	55	46	47	49.0
Black (%)	14	32	95	2	10	19	8.8
White (%)	50	54	3	78	49	41	58.8
Married or Long-Term Partner (%)	71	61	50	65	73	65	75.9
Age (Avg.)	39.4	33.3	31	34.4	40.6	40.7	38.1
Number of Children (Avg.)	1.9	0.8	0.7	0.9	2.1	2.0	1.8
Years of Education (Avg.)	12.6	14.7	14.2	14.9	12.2	12.4	12.9
Respondents with College Degree (%)	36	46	33	52	34	36	36.1
If married, family with zero degrees (%)	26	25	39	20	26	27	25.1
If married, family with one degree (%)	25	26	27	26	25	27	23.4
If married, family with two degrees (%)	49	49	35	54	49	47	51.4
U.S./UK/Canada Degree (%)	14	6	4	7	15	5	22.0
Presently Working for Pay (%)	59	57	48	61	60	45	72.7
If married, number of families with two members working (%)	47	52	44	55	46	44	49.6
Speaks English "Well/Very Well" (%)	50.5	52.2	77.1	40.4	50.1	41.2	59.1
Had Immigrant Sponsor (%)	67	29	40	24	74	71	62.7
Status-Adjuster (%)	51	9	5	10	60	n/a	n/a
If Status-Adjuster, Months in US Before LPR (Avg.)	51.6	39.4	29.25	41.9	52	n/a	51.6

sponsored migrants who come primarily from Latin America and Asia, most DV migrants are African or European. Thus, the percentages of blacks and whites in the DV Lottery exceed the corresponding percentages for the cohort as a whole.

Education

On average, DV Lottery immigrants have more total years of education than other LPRs and are more likely to hold at least a bachelor's degree. Both African and non-African DV Lottery immigrants have the highest averages for total years of education of all the immigrant categories in this table.^{xx} As to college degrees, however, there is a divide between African DV migrants (who are 8% less likely than all other LPRs to hold a college degree) and all other DV migrants (who are 44% more likely).^{xxi} There is no clear explanation for the contrast between African DV Lottery migrants' relatively high average number of years of education and their relatively low number of bachelor's degrees.

Family Data

Measuring the number of college degrees per family level is one way to represent the endowment of skills that immigrants bring to the U.S. DV Lottery migrants as a whole are nearly identical to other LPRs on all three levels. African DVs, however, fall behind other DV migrants. African DV migrants are much more likely to have families with zero college degrees and much less likely to have families with two degrees.

The DV Migrant Education/Employment Discrepancy

In the United States, educational attainment and employment are positively

^{xx} DV migrants trail only employment preference migrants in terms of total years of education and college degrees. Employment migrants have an average of 16.3 years of education, and 74% hold at least a bachelor's degree.

^{xxi} Despite the relatively low percentage of African DV Lottery migrants holding at least a bachelor's degree, the percentage African lottery migrants holding bachelor's degrees is higher than the rate for Americans as a whole. According to 2005 census data, just 27.7 percent of all Americans hold bachelor's degrees (<http://www.census.gov/compendia/statab/cats/education.html>).

correlated.^{xxii} However, DV migrants are slightly less likely to be employed than other LPRs even though their average level of education substantially outstrips that of their counterparts. There are several potential factors to explain this education/employment discrepancy: experience in the U.S. prior to obtaining LPR, immigrant sponsorship, problems with the transferability of human capital obtained abroad, and English language ability.

Although more than half of all LPRs are status-adjusters, almost all DV migrants are new arrivals.^{xxiii} Status adjusters have the opportunity to spend time in the U.S. before obtaining LPR, presumably giving them more of an opportunity to search for and find jobs. Giving credence to the theory that status-adjusters have an advantage in the labor market, they were 62% more likely to be employed than new arrivals. Furthermore, the education/employment discrepancy disappears when comparing DV migrants to other LPRs who were new arrivals.

The second possible factor contributing to the education/employment discrepancy is sponsorship. Excluding DV migrants, 67% of LPRs in the survey reported having a sponsor. That number falls to 29% for DV migrants. There are three reasons why DV Lottery migrants are likely to have such low-rates of sponsorship. First, as opposed to employer- or family-sponsored immigrants, DV Lottery migrants are not required to have a sponsor to obtain LPR. Employer- and family- sponsored migrants comprise a majority of all legal immigrants, and their 100% sponsorship rate skews the rate for the entire

^{xxii} March, 2011 data from the Bureau of Labor Statistics, for example, shows an unemployment rate for high school graduates at 9.7%, whereas it is only 4.4% for college graduates (<http://www.bls.gov/news.release/empsit.t04.htm>).

^{xxiii} The discrepancy between DV migrants and the cohort as a whole is due in large part to the differences in the structure of the DV Lottery and admission categories such as family and employer sponsorship. Whereas the vast majority of DV Lottery migrants hear about the program in their home country and would have no other means of coming to the U.S., a majority of employer-sponsored immigrants and immediate relatives of U.S. citizens are already in the U.S. on non-immigrant visas for study or work.

cohort. Secondly, as evidenced by lottery migrants' low rates of status-adjustment and lack of experience in the U.S. prior to obtaining LPR, the program attracts people with little or no prior connection to the United States. The weaker a migrant's previous connection to the U.S., the harder it is to find a sponsor. Thirdly, DV Lottery migrants may have lower rates of sponsorship because they do not feel the need to find a sponsor in the first place. For DV migrants, total years of education and the likelihood of having a sponsor were negatively correlated.^{xxiv} While DV migrants with strong educational backgrounds may think that they will be able to adjust to life in the U.S. on their own, the absence of a sponsor may impede an immigrant's ability to integrate into social networks that could help him find a job.

Although DV migrants are comparatively well-educated, college degrees obtained in developing countries often do not hold the same value in the eyes of potential employers as degrees from universities in English-speaking developed countries.^{xxv} While DV migrants are much more likely to have a college degree than all LPRs, they are less likely to have a degree from the U.S., U.K., or Canada (three nations with similar levels of development and established university systems).

Finally, English language ability may help to explain the education/employment discrepancy. The data in Table 4.2, however, do not suggest that there is a clear link

^{xxiv} For DV migrants, analysis of NIS data shows that each additional year of education decreased the chances of having a sponsor by nearly 15%. That negative correlation holds true for all LPRs as well, although to a much lesser degree.

^{xxv} In a comparison of the earnings of immigrants and natives in Israel, for example, Rachel Friedberg found that Israeli employers rewarded Israeli education and work experience significantly more than education and work experience obtained abroad. Friedberg concluded that the distinction between human capital obtained domestically or abroad fully explained wage differences between immigrants and natives of similar backgrounds. See Rachel Friedberg, "You Can't Take It with You? Immigrant Assimilation and the Portability of Human Capital," *Journal of Labor Economics* 18 (2000), 221.

between English ability and employment status.^{xxvi} A very high percentage of African DV migrants, for example, reported speaking English “well or very well,” but they were much less likely to be employed than other LPRs. On the other hand, status-adjusters were much more likely to report proficiency in English than new arrivals, which presumably strengthens their credentials in the labor market.

Multivariate Analysis: Examining the Education/Employment Discrepancy

Multivariate analysis can elucidate the relative impact of immigrant demographics, characteristics, and immigration experiences on employment status. Because the dependent variables in all of the multivariate analyses are binary, I use probit instead of OLS regressions. The five multivariate analyses included in Table 4.3 contain 14 independent variables that correspond to Table 4.2, and I have also included dummy variables for the four main admission categories.^{xxvii} I have limited these regressions to LPRs in the eligible workforce. Appendix C contains complete definitions of each of these variables and information about the observations excluded from these analyses.

Major Determinants of Employment Status

Analysis of the data in Table 4.2 has established several possible explanations for the education/employment discrepancy. The following regressions test the impact of each of those variables directly. In every regression, status-adjustment was significant

^{xxvi} NIS participants self-reported their English language ability. A number of studies have cast doubt upon the reliability of self-reporting of language ability. For more information, see George Blue, “Self-Assessment of Foreign Language Skills: Does It Work?” *CLE Working Papers* 3 (1994) and L. Kathy Heilenman, “Self-assessment of second language ability: the role of response effects,” *Language Testing* 7 (1990). There is an interviewer assessment of language ability included in the NIS as well.

^{xxvii} The only difference is the variable “Total Months in U.S.,” which replaces the “Months in U.S. Before LPR.” As opposed to its predecessor (which only detailed the amount of time an immigrant had spent in the U.S. before obtaining LPR), “Total Months in the U.S.” also includes the time elapsed between the date an immigrant obtained LPR and his NIS interview. That change ensures that the NIS interview schedule does not affect the results.

TABLE 4.3: Multivariate Analysis of Current Employment Status					
	(1)	(2)	(3)	(4)	(5)
VARIABLES	ALL LPRs	FEMALES ONLY	MALES ONLY	ALL LPRs	ALL LPRs
GENDER	0.331*** (0.0393)			0.331*** (0.0393)	0.334*** (0.0392)
BLACK	-0.239*** (0.0673)	-0.334*** (0.103)	-0.175* (0.0903)	-0.224*** (0.0664)	
WHITE	0.252*** (0.0471)	0.274*** (0.0687)	0.230*** (0.0654)	0.255*** (0.0470)	
AGE	-0.00994*** (0.00219)	-0.00519* (0.00312)	-0.0164*** (0.00318)	-0.00997*** (0.00219)	-0.0101*** (0.00217)
TOTAL YEARS OF EDUCATION	0.0107* (0.00619)	0.00554 (0.00887)	0.0160* (0.00875)	0.00531 (0.00538)	0.0107* (0.00616)
COLLEGE DEGREE	-0.0671 (0.0542)	0.0540 (0.0775)	-0.178** (0.0768)		-0.0761 (0.0537)
ENGLISH ABILITY	0.131*** (0.0466)	0.184*** (0.0685)	0.0903 (0.0643)	0.113** (0.0466)	0.0863* (0.0461)
STATUS-ADJUSTER	0.704*** (0.0518)	0.659*** (0.0729)	0.738*** (0.0758)	0.691*** (0.0527)	0.791*** (0.0492)
TOTAL MONTHS IN U.S.	0.00142** (0.000711)	0.00282** (0.00112)	0.000455 (0.000929)	0.00143** (0.000712)	0.00103 (0.000696)
SPONSOR	-0.129*** (0.0479)	-0.205*** (0.0695)	-0.0773 (0.0670)	-0.125*** (0.0479)	-0.138*** (0.0470)
MARRIED OR LONG-TERM PARTNER	0.144*** (0.0455)	0.0382 (0.0642)	0.263*** (0.0670)	0.146*** (0.0456)	0.149*** (0.0451)
NUMBER OF CHILDREN	-0.00568 (0.0134)	-0.0325* (0.0184)	0.0287 (0.0203)	-0.00632 (0.0134)	-0.00548 (0.0133)
DV LOTTERY	-0.201*** (0.0721)	-0.297*** (0.107)	-0.122 (0.0988)	-0.199*** (0.0721)	
FAMILY-SPONSORED	-0.280*** (0.0602)	-0.316*** (0.0857)	-0.244*** (0.0854)	-0.279*** (0.0602)	-0.297*** (0.0570)
EMPLOYER-SPONSORED	0.534*** (0.0773)	0.389*** (0.111)	0.651*** (0.109)	0.521*** (0.0767)	0.484*** (0.0722)
REFUGEE	-0.00845 (0.100)	-0.198 (0.140)	0.185 (0.148)	-0.00140 (0.100)	-0.0720 (0.0971)
U.S./U.K./CANADA DEGREE				0.113 (0.0701)	
WHITE DV MIGRANT					-0.0947 (0.0732)
BLACK DV MIGRANT					-0.536*** (0.0831)
Constant	0.295** (0.123)	0.349** (0.176)	0.635*** (0.175)	0.338*** (0.119)	0.411*** (0.115)
Pseudo R-Squared	0.1675	0.1458	0.1786	0.1676	0.1609
Observations	5810	2525	3285	5810	5810
Standard errors in parentheses					
*** p<0.01, ** p<0.05, * p<0.1					

and had the highest positive coefficient of all the variables. While status-adjustment seems to have a large impact on employment status, the precise amount of time that a migrant had spent in the U.S. does not. Although the “total months in the U.S.” variable was generally significant with a positive coefficient, the value of the coefficient in every case was miniscule. The distinction between status-adjustment and actual amount of time spent in the U.S. suggests that the marginal benefit of each additional month spent in the U.S. before obtaining LPR is fairly low. It matters more whether an immigrant had spent any time at all in the U.S. before obtaining LPR.

There were several other important determinants of employment status. Gender was significant in every regression, and the high positive coefficients show that men are much more likely to find a job than women. Race was also significant. White immigrants were 25% more likely to have a job than other LPRs, whereas black immigrants were nearly 24% less likely to have a job than other LPRs. Married men were much more likely to have jobs than single men, but marital status was not significant for women. Finally, younger migrants were more likely to be employed than older ones.

As described in Chapter 2, many politicians presume that DV migrants are at a disadvantage because of their relative lack of connections in the U.S. Sponsorship, however, was significant with a negative coefficient in every regression, meaning that sponsored LPRs were less likely to have a job. One possible explanation for the negative relationship between sponsorship and employment status is that, as shown in Table 4.2, new arrivals are more likely than status-adjusters to have a sponsor. It may be that

sponsorship alone is not enough to overcome the difficulties that new arrivals face in entering the labor market. Another possibility is that many husbands sponsor their wives to come to the U.S. with the expectation that their wives will not need to work. Women were particularly unlikely to be employed if they had a sponsor, and marital status was an insignificant determinant of employment status in the female only regression.

The Impact of Education and English Ability

English ability was generally significant and positively correlated with a migrant's chances of finding a job. The education variables, on the other hand, were generally insignificant. There was no ostensible link between an immigrant's total years of education and his employment status, and holding a college degree was significant only in the male-only regression (counterintuitively, male college degree holders were less likely to have a job than males without a college degree).^{xxviii} Holding a college degree failed to prove significant even when narrowing the definition of the variable to degrees obtained in the U.S., U.K., or Canada. The multitude of non-significant variables suggests that an immigrant's employment status is not a function of his educational attainment. Thus, while the education/employment discrepancy exists based on the raw data, we should not assume that DV migrants' low employment rates are peculiar because of their high levels of educational attainment.

The Link Between Immigration Category and Employment Status

In addition to the independent variables measuring immigrant demographics and characteristics, these regressions also include four dummy variables measuring the relationship between immigration category and employment status. Unlike the other

^{xxviii} There is no clear explanation for why male LPRs holding a college degree would be less likely to find work than male LPRs without one.

independent variables that can show causality, these dummy variables merely reflect the likelihood for immigrants in each category to be employed. The significance, signs and values of the coefficients for family- and employer- sponsored migrants and refugees were generally uniform across the board. Family-sponsored migrants were less likely to be employed than other LPRs, employer-sponsored migrants were much more likely, and the refugee dummy variable was insignificant. Taken as a whole, DV migrants were slightly less likely than other LPRs to be employed. Disaggregating by race and gender, however, revealed some sharp divides. While the white DV migrant dummy variable was insignificant, black DV migrants were 53% less likely to be employed than other LPRs. Similarly, the male DV migrant dummy variable was insignificant, whereas female DV migrants were nearly 30% less likely to be employed than other female LPRs.

The Importance of Experience in the U.S. Prior to Obtaining LPR

The observed education/employment discrepancy for DV migrants runs counter to the principle that a person's employment prospects are positively correlated with educational attainment. Analysis of data from the New Immigrant Survey indicates that that assumption does not necessarily hold true for new legal immigrants to the U.S. In fact, the most important determinant of an immigrant's employment status soon after obtaining LPR seems to be whether he was a new arrival or a status-adjuster. The opportunity that status-adjusters have to gain pre-LPR experience in the U.S. is extremely valuable in helping them to hold onto or find a job after obtaining LPR. New arrivals, on the other hand, presumably lag behind status-adjusters because they begin the assimilation process and job search only when they obtain LPR. The fact that educational attainment proved to be insignificant in nearly every regression analysis

indicates that migrants of all backgrounds experience similar difficulties in the assimilation process. While a migrant might have been considered well-qualified in his home country, those qualifications (educational and others) often do not translate seamlessly to the U.S. labor market. Thus, the DV migrants' education/employment discrepancy arises from both a lack of experience in the U.S. prior to obtaining LPR and the difficulty in persuading potential employers of the value of educational credentials obtained abroad. Finally, it is important to consider the impact of race and gender. The results show that women and blacks are substantially less likely to be employed than other LPRs.

These findings, however, are preliminary. NIS interviews were conducted between 6 and 18 months after a migrant secured LPR, and the second wave of the study has yet to be released. It would be fallacious to draw any solid conclusions about immigrants' long-term labor market prospects from these results. Still, the relatively stronger outcomes for status-adjusters compared to new arrivals suggest that increased time in the U.S. has a positive effect on employment. Furthermore, although DV migrants may initially have difficulty finding jobs because of a lack of human capital transferability, their strong educational backgrounds bode well for their future prospects. The education/employment discrepancy may well disappear over time.

Conclusion

Connecting the Data to the Political Debate

In its two decades of existence, the Diversity Visa Lottery has facilitated the immigration of nearly one million people to the United States. As the New Immigrant Survey data show, DV migrants are generally more educated, younger and more likely to speak English well than the average legal immigrant to the U.S. While those traits all portend success in the United States, DV migrants do not fare as well in the job market upon arrival as other legal immigrants. Furthermore, there is a particularly sharp divide between African and non-African DV migrants. While both African and non-African DV migrants are generally young and well-educated, Africans have a much harder time finding jobs soon after arriving in the U.S.

Although the data firmly situate DV migrants within the overall scope of legal immigration to the U.S., it is impossible to come to a simple verdict about the merits or shortcomings of the program. As George Borjas, an immigration scholar at Harvard, remarked in a recent lecture, “each one of us approaches the issue of immigration with our own personal biases.”¹¹² Everyone involved in the DV Lottery debate will interpret these data according to their divergent views of what immigration policy should look like.

With that inherent subjectivity in mind, I will conclude by discussing how the data on immigrant demographics and labor market outcomes might inform each side of the political debate over the DV Lottery. The first debate, described in Chapter 2, was between the Ted Kennedy and Charles Schumer-led supporters of

the program and the Judd Gregg-led opponents. While these two camps differed in their opinion of the DV Lottery, both assumed that the lottery system attracted relatively low-skilled immigrants. Kennedy and Schumer argued that a tradeoff between increased diversity in the U.S. immigration system and decreased ability to contribute to U.S. economic interests was worthwhile, whereas Gregg sought to modify the program to attract more highly-skilled applicants.

The NIS data show, however, that the perceived diversity-for-quality tradeoff does not actually exist. DV migrants outpaced LPRs as a whole in terms of years of education and the likelihood of the principal and spouse holding college degrees, and their English language ability was on par with all LPRs. While they fell behind other LPRs in their current employment status, the main reason seems to be that they generally had not spent time in the U.S. before obtaining LPR.

Those data do not necessarily disprove either side's position. They do, however, provide opportunities for both sides to reframe their arguments. Those in the Kennedy-Schumer camp can point to the data as evidence that the DV Lottery both diversifies sources of U.S. immigration and attracts relatively well-qualified immigrants. For its part, the Gregg camp should reexamine its assumption that the DV Lottery's minimum entry requirement of a high school degree necessarily means that lottery winners are under-qualified. Despite the fact that the employment regressions showed that college degree holders did not fare any better than other immigrants in finding a job, it is too early to pass judgment on the Gregg proposal to reserve two-thirds of diversity visas for advanced degree holders. The employment regressions did not analyze the impact of a college degree in a migrant's ability to

find high-skilled jobs, and the timeframe was too short to come to any firm conclusions about the factors affecting an immigrant's job prospects in the long-term.

These data do not have any direct bearing on the arguments of the program's opponents in the House of Representatives and the anti-immigration interest groups. None of the arguments that those legislators or interest groups advance compare the qualifications of DV migrants to those of other LPRs. However, the data can inform one general point that these groups do make: the idea that the lottery is an inherently flawed method of allocating visas. DV migrants compare quite favorably to other LPRs as a whole. That comparability does not mean that the lottery is a particularly effective way to allocate visas. It does, however, undercut their argument that the program is fundamentally flawed.

Finally, the demographic and outcome data can play an important role in informing the position of one of the most important constituencies supporting the program: the Congressional Black Caucus. The CBC advocates for the broad principle that the U.S. immigration system should provide opportunities to people from all parts of the world to immigrate, and it supports the DV Lottery primarily because it fosters African immigration to the U.S. In terms of demographics, Africans are comparable across the board to other LPRs. That comparability reflects positively on the CBC argument that the migrants whom the DV Lottery attracts are just as deserving of a chance to immigrate as those from historically high-volume countries.

While Africans compare favorably to LPRs as a whole, there are contrasts between African and non-African DV migrants in nearly every demographic category. Not coincidentally, there is also a sharp racial divide between African and non-African DV migrants. Race proved to be highly significant in the regressions analyzing employment status. That significance is an indication of the continued importance of race in the job market. The relative demographic similarity in contrast to the divergent employment outcomes should not be interpreted as evidence that African migrants cannot succeed in the U.S. Instead, it shows that the U.S. needs to continue to strive to bridge racial divides in all facets of the society.

The data indicate that the DV Lottery has achieved what its creators intended: it has opened up new opportunities for immigrants from historically under-represented countries without sacrificing immigrant quality relative to other LPRs. That ostensible accomplishment, however, is partly due to the fact that the U.S. immigration system is not entirely skill-based. A majority of immigrants come to the U.S. through family-sponsorship or as refugees. Neither of those entry categories privileges migrants on the basis of skill, nor do they include minimum eligibility requirements. Thus, while the DV Lottery attracts relatively well-educated and young migrants who seem poised to contribute to the nation's economic interests, it should not necessarily be held up as a model way of bringing skilled migrants to the U.S. This thesis has begun to place DV migrants within the context of the American immigration system. The responsibility to interpret these data rests with immigration policymakers.

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Appendix A: DV Migrants' Stories

Throughout the process of writing this thesis, I met and interviewed six DV migrants about their lives in their countries of birth, their decisions to migrate to the U.S., and their experiences upon arriving in their new homes. While some of the information from these interviews is included in the body of the thesis, this appendix contains complete summaries of all six interviews. With the exception of Stanley, I have given pseudonyms to the interviewees.

Stanley Imbali

Stanley Imbali is 37 years old, married, and the father of four children. A native of Kenya, he won the DV Lottery and moved to the U.S. with his wife and family in 2009.

In Kenya, Stanley was the owner of several small businesses, including a bakery and a grocery store in his home village. Earlier in his career, Stanley had worked as a manager at a British construction company. Stanley was one of the most respected men in his village, but he left home to come to the U.S. in search of economic opportunities for himself and educational opportunities for his children.

Stanley had entered the lottery several times before he won in 2008. He first heard of the program from an advertisement he saw in a local newspaper. A visa agency had placed the ad, and Stanley contacted an agent there to help him apply. He didn't know that applying to the DV Lottery was free, so he paid the agent \$174 for his application in 2005, \$200 in 2006, and \$240 in 2007. It was only when he won in 2007

that he realized that there was no application fee. When the agent asked him for an additional \$800 to submit his visa application, Stanley refused.

Although he saved \$800 in that instance, Stanley had to make serious financial sacrifices in order to move himself and his family through the visa process. He paid a total of \$240 for passports, \$5,300 for medical exams for each member of his family, and \$5,500 for each person's visa. He had to bring his family to and from Nairobi (a 16 hour journey round-trip) four times throughout the process. He also had to prove that he had at least \$1,000 saved in a bank account for each member of his family. Finally, Stanley had to pay \$6,600 to buy plane tickets for himself, his wife, and his children to the U.S. In order to cover those costs, Stanley sold his bakery, pickup truck, and heavy-duty moving truck. It was a "scary process," Stanley recalled. If his final visa application were rejected, there would have been no way for him to recoup the money he had spent to reach that point.

Stanley arrived in the U.S. on July 9, 2009 by himself. He stayed with a friend-of-a-friend from Kenya for the first month that he was in the U.S., and he then moved to the San Francisco Bay Area in August, 2009 to start work as a janitor at Ghirardelli Chocolates in San Francisco. When his family came in September, Stanley met them in San Francisco and then moved with them to Hanford, a small town in California's Central Valley.

Stanley enrolled his three school-age children in local schools, and he and his wife also went back to school. After a few months, they both became Certified Nurse's Assistants (CNAs), and they found jobs at a nursing home in Hanford.

Stanley found it hard to adjust to his new job. Although he speaks English

fluently, his Kenyan accent sometimes made it hard for him to communicate. He had trouble understanding “American English,” which was spoken much faster than the English he was used to hearing in Kenya. He also felt that his co-workers (often fellow immigrants) acted coldly toward him and his wife. There were several times when Stanley observed co-workers going behind his back to spread rumors about his poor job performance to the nursing home manager.

After six months in the nursing home, Stanley quit his job. “It wasn’t for me,” he said. “When you work in a nursing home you cannot do a satisfactory job. You are given 18 patients, how can you complete your job for all of them? You can’t. You do it partially, and I didn’t like that.” His wife continued to work at the nursing home while Stanley went in search of a new occupation.

In January, 2011 he decided to move to the Bay Area to look for work. He soon found a job as a live-in nurse for an elderly man, which he much preferred to his work at the nursing home. Stanley is currently working in Mountain View, California, and he is hoping to bring his family there in the coming months.

While he has struggled to make ends meet and find a good job in the U.S., Stanley is very upbeat about his children’s prospects for success. “My kids have an advantage,” he said. “That is the most important part. For them in the U.S., the sky is the limit.” His oldest child is entering his senior year of high school, he has a daughter in 7th grade, a son in 2nd grade, and a daughter who is about to enter nursery school. His three school-age children have been able to transition academically and socially from Kenya to the U.S., and Stanley is especially optimistic about his oldest son’s plans to go to college.

Stanley keeps in touch with family and friends in Kenya by email and telephone.

He sends about \$50 per month to his mother (“good money” in Kenya), and he also sends money for school fees to three orphans that he and his wife support in Kenya.

Almost two years have passed since Stanley first arrived in the U.S. Although he has now found a stable job in the Bay Area and is earning more money than he was in Hanford, he is still conflicted about his choice to migrate to the U.S. “If I could do it again,” he says, “I would stay in Kenya. I would take my children to better schools in Kenya with all the money that I spent (on the immigration process)...[I just couldn’t imagine] that I was going to begin at zero when I arrived here – completely zero...I came both for myself and for my kids, but when I arrived I realized it was not for me. I can do better in Kenya than I can here. But my kids have a chance.”

Ahmed

Ahmed entered the DV Lottery on a whim in 2008. “I was not originally serious about leaving Algeria,” he recalled. But after receiving a letter telling him that he had won, he realized that this was an opportunity that he did not want to pass up. “Other people wait years for something like this,” he said, “and here was my chance.” He arrived in the U.S. in June, 2010.

A native of Algeria, Ahmed earned a bachelor’s degree in civil engineering in 2009. A week after graduating from college he found a job at a building company, and he worked there until he left Algeria for the U.S.

Ahmed arrived in the U.S. speaking very little English. He is currently enrolled in an English class for immigrants, but he still prefers to speak in French, Arabic, or his native Kabylia. His language skills prevented him from seeking work as a civil engineer, but he was able to find a job as a member of the kitchen staff in an African restaurant in Boston. In November, 2010, Ahmed found a second job as a prep cook in another Boston restaurant. As his English improves, he hopes to move up the job market.

Ahmed heard about the lottery from friends in Algeria. “The average Algerian knows about the program’s existence,” he observed. “Knowledge about it primarily spreads through word-of-mouth.” Because of his limited English skills, he employed the services of a visa agency to help him apply. “Everyone knew this place, and everyone went there to try to get help.” At the beginning of the process, the agent took a photo of him and filled out his personal information. After he won, the agent then filled out his visa application form, and Ahmed qualified for the visa. Although the agent charged a small fee for guiding him through the free application process, he characterized the agent as “very helpful.”

It cost about \$3,000 for Ahmed to pay for his visa fees, medical evaluation, and transport to the U.S. He also spent some of his savings to support himself in the U.S. before he found a job. His parents covered half of the costs, and he paid the rest.

Ahmed’s cousin has lived in the U.S. for five years, and he sponsored Ahmed and provided him with a place to stay for his first month in the country. Although Ahmed has now moved into his own apartment, he still remains close with his cousin and a small circle of Algerian friends in Boston. He knew that life in the U.S. would be difficult – menial jobs, long hours, little time to spend with friends – but he has been pleasantly

surprised by the religious freedom that he has. “I did not expect to be able to practice my religion (Islam) so easily,” he remarked. “But so far I have had no problems at all.”

Ahmed stays in contact with his friends and family in Algeria, although he is not yet able to send remittances home. His long-term plans are still up in the air: “I haven’t spent enough time here yet to know if I can succeed.” His primary focus is on learning English. If he could give a piece of advice to potential migrants, he would tell them to “learn English and learn it well before coming here so that you don’t waste your time after you arrive trying to learn the language.”

As a young, single man, Ahmed is still happy with his decision to come to the U.S. even though it entailed giving up his prestigious job in Algeria for long hours and low pay in the U.S. He came to the U.S. in part for the economic opportunities (“I want to succeed in my life”), but primarily because, in his own words, “it’s an adventure.”

John

John, a native of Ghana, won the DV Lottery in 2007 and arrived in the U.S. on November 18, 2008. Before he managed to obtain an immigrant visa, however, John fell victim to a fraud scheme that almost prevented him from leaving Ghana and continues to haunt him to this day.

John knew about the existence of the DV Lottery, but he had never applied for it because he had a steady job in Ghana as a middle school math teacher. One day, however, a colleague came up to him with a lottery application, and John decided to fill it

out and test his luck. He had all but forgotten about his application until one day someone came looking for him at the school with news that he had won the lottery. As it turned out, John's colleague had given his application form to a visa agent in town, and that agent now had John's winning letter.

The agent, a pastor at a local church, met John and told him that he had his winning letter but would not give it to him until the end of the visa process. He also told John that he would have to tell the consular officers at the U.S. Embassy that he had a wife whom he wanted to bring to the U.S. The agent introduced John to a woman who was set to pose as his wife, and he accompanied them to John's interview at the embassy in Accra.

When John went into the embassy, the agent and the woman waited outside. Inside, John realized that lying to the consular officers about having a wife could result in disqualification. He also learned that he would not be able to recoup the \$500 in visa fees that he had already paid. John returned outside and told the agent and the woman that he could not pass her off as his wife.

The woman understood, but the agent refused to concede. He told John that, if he refused to try to bring the woman with him to the U.S., he would have to pay the agent \$3,000 before he would give John his winning letter. John was, justifiably, beside himself with anger: "This was genuinely something I won, so I shouldn't be charged that amount!"

John told the agent that he did not have \$3,000 to give. The agent agreed to accept a \$1,000 advance, and he took John to court and had him sign an affidavit declaring that he would pay the remaining \$2,000 in the future. Because time was short

and he had to make preparations to leave for the U.S., John had no choice but to agree.

John's problems, however, did not end there. The agent had listed the woman's uncle as John's sponsor, and John was supposed to pick up his green card at that uncle's house upon arriving in the U.S. After the marriage scheme fell through, however, John realized that he didn't know who his sponsor was or where he lived. He went to the agent and asked for that information, but the agent told him that he did not have it and could not get it. John discovered that the agent was deeply in debt to the woman's family. They had paid him advances for several attempted immigration marriages (all of which had failed), and the pastor had not yet refunded the money. Fearful that the woman's family would force him to repay his debt, the agent flatly refused to ask her for the uncle's name and address. Instead, he suggested that John change his address once he arrived in the U.S. and have the green card sent directly to him.

After arriving in the U.S., John learned that he could not change the address for his green card unless he knew his old address first. The green card arrived at the uncle's house and John had no way to get it. He called a U.S. immigration office to ask where they had mailed it, but the representative he spoke with refused to disclose that information. She did, however, mention the uncle's name. John wrote it down, found it in the phonebook, and successfully connected with him. Finally, John's luck improved: the uncle had no idea who he was, but, since he saw that the green card was meant for a Ghanaian, he decided to hold onto it figuring that one day John would contact him. The uncle then mailed John his green card.

John stayed with a friend-of-a-friend in Boston for his first six months in the U.S. He soon realized that he would not be able to teach mathematics unless he went back to

school for several years to get his teaching credentials, but John's host helped him enroll in a CNA training program at the Red Cross. He found his first job working at a nursing home in April, 2009, and he continues to work there today.

During his time in Boston, John also married a woman in Ghana with whom he has a child. He left Ghana when his future wife was pregnant, and still has not seen his child. He talks to his wife on the phone every day, and he is trying to sponsor her to come to the U.S. Nevertheless, it is hard for John to be separated from his wife and daughter: "I miss them so much."

John also keeps in contact with his family and friends in Ghana. He talks to his parents once or twice per week, and sends money to them and to his wife and child. "I am sure," John said, "that they are living more comfortably now than when I was in Ghana. When I was in Ghana, the money that I was giving to her every month -- it has improved since I came here...She is more comfortable than when I was there."

Even though his remittances help his wife and family, John ultimately regrets his decision to come to the U.S. "There is no happiness in the U.S.," he declared. "You just get up, work, there's no holiday, no Sunday, no Easter, Christmas, nothing. Just work. Here you have money but no happiness...Sometimes you sleep four hours per day...this is not how life should be."

John's experience has also changed his perception of the benefits of migration for Ghana as a whole: "People sell their houses to come to the U.S. They should stop that...We should stay in our country, save our country. It is good to come to visit the U.S., stay for a few months. But to leave our job...No. Our coming here doesn't benefit Ghana at all. Not at all."

Nancy

Nancy, her husband, and her three children migrated from Tanzania to the U.S. in 1997. In Tanzania, she had worked as a teacher and her husband was an engineer. Both of them obtained college degrees in Tanzania.

She and her husband learned about the DV Lottery from a family friend who also gave them the application papers. Her husband filled them out and submitted them, but they had all but forgotten about their application until they were notified several months later that they had won. Nancy recalled the process of obtaining a visa as “quick,” and they submitted all of the necessary documents to the U.S. Embassy in Dar Es Salaam by mail. They then traveled to the capital for their final interview, and the consular officer notified them on the spot that they qualified for immigrant visas. Although the process was “very, very expensive,” she and her husband were able to pay for all of the expenses by themselves.

When they decided to move to the U.S., Nancy and her husband thought that it would be temporary. She wanted to come “just to see how life is in America,” and she did not expect to stay in the U.S. for more than 10 years. When Nancy and her family arrived in the U.S., they stayed with a family friend from Tanzania who was living in Massachusetts. It took them about six months to save enough money to rent a house.

Although she was a teacher in Tanzania, Nancy had “no expectations” for the type of work she would find in the U.S. She found her first job about a month after arriving, working as a counselor in a group home for people with mental disabilities. In addition

to working full-time at the group home, Nancy also took classes to receive certification as a registered nurse. For the last six years, she has worked as a nurse at a rehab hospital.

Nancy's husband (who had prior experience working outside Tanzania before he migrated to the U.S.) found his first job at an engineering company, and he eventually became a supervisor there. After the company closed down, however, he moved to his current job as a counselor in the group home where Nancy used to work. One of Nancy's children has graduated, and the other two are currently enrolled in college.

Nancy remains in contact with friends and family members in Tanzania, and she has returned there "three or four times" since moving to the U.S. She sends remittances there if a family member or friend is in need because, in her own words, "it is part of our culture to do that."

13 years after arriving in the U.S., Nancy and her husband still have plans to return to Tanzania, "maybe in five or ten years." Nancy has considered returning home to work as a nursing teacher (in her words, "combining my love for teaching and nursing"), but she is certain that at the very least she will retire in Tanzania. She and her husband still own their former house.

Knowing what she does now about life in the U.S., Nancy maintained that she would still have made the same decision to come to the U.S. in 1997. Nonetheless, she spoke of the relative hardships of living in the U.S. as opposed to Tanzania, declaring: "I'm so stressed here, I feel overwhelmed. I am learning a lot of new terms like 'depressed' and 'stressed' that we never talked about in Tanzania. I feel like all I do is just work and pay bills, that's it."

Nancy ended the interview by sharing some advice for prospective migrants to the U.S. A person's decision to migrate to the U.S., she said, should hinge upon his status in his home country: "For people with family who have already established themselves, it is not a good idea. There is too much risk. You think that when you get to America you will have everything easy, but you end up spending a lot of money and then come here and start from scratch. To start from the bottom, especially with family and stuff – it is very hard to move up." On the other hand, "if you are young and looking for education, you should come. It is good to go and see how other people live and to explore other cultures. It is good to step out of your comfort zone!"

Josephine

Josephine arrived in the U.S. in 1995 knowing two words of English: "Pardon" and "No." A native of Tanzania, she arrived with her three children (she later gave birth to a fourth child in the U.S.) clutching a letter with information about where to meet her husband, and, she later recalled, "I gave the letter to anybody who [came up to me] at the airport."

Josephine married when she was 17, and she had never held a formal job in Tanzania. Her ex-husband (they divorced several years ago) was a mechanics teacher at a Tanzanian technical college. She knew nothing about the DV Lottery or America in general, and when her husband informed her that they had won the DV Lottery she had no idea what it meant.

His plan was to bring her with him to the U.S. and leave their three children in Tanzania. They would find a way to bring them to the U.S. later. Josephine, however, insisted that the children come along, too. “If you are going to make me choose between you and my children,” she said, “I’ll go back to my children...After I gave him that choice, he decided to bring all of them [to the U.S.]”

Josephine’s ex-husband handled every aspect of the lottery application process and filled out all the papers to obtain immigrant visas for himself and his family. “In truth,” Josephine said, “I didn’t know exactly what was going on.” Josephine’s one and only hope when she moved to the U.S. was that her children would receive a better education than they would have in Tanzania: “The one thing I knew in my mind was that my children would get a good education [in the U.S.]. I didn’t get one [in Tanzania], but they will. That was my hope.”

Josephine’s ex-husband migrated to the U.S. by himself, and four months later he sent for Josephine and their three children. They stayed with her ex-husband’s brother for their first month after arriving, but were then able to move into their own home. Her ex-husband found his first job as a caretaker at a group home for the mentally retarded (likely the same place that Nancy worked). It took Josephine three years to obtain her first job – also as a caretaker at the group home – because she first had to learn English.

Today, Josephine is still in the process of realizing her dream of providing educational opportunities for her children. Her oldest child is in college, and her two youngest children are in high school. Her second oldest has graduated high school and is hoping to enroll in college this year.

After working at the group home for almost a decade, Josephine was laid off in 2009. She is currently looking for a job, and is surviving for now on unemployment benefits. Nonetheless, she remains upbeat about her chances. “Life is easier [in America]. I haven’t worked for one year, but I still have unemployment, I can feed my children. But if I were in Tanzania that would be the end of my life, nothing would come. So you can say here is better, much better, than back home. It is stressful, but it is better.”

Josephine communicates with her friends and family in Tanzania, and she also has returned to visit five or six times since 1995. She used to send money home to her family, but her employment situation has prevented her from doing so of late: “When I was working, I didn’t want my mother and father to be suffering. I wanted to take care of them, so sometimes I used to send them money every two weeks or every month so that they could have food on the table. But life changed. Now I can’t even support them at all.”

Josephine plans to retire in Tanzania eventually, but only after her children have grown up and finished school. For now, she is continuing her job search and trying to help her second-oldest child attend college. “When I came here, I saw life was very difficult. I wanted to go back home,” she recalled. “I was crying every single day. But nobody’s buying a ticket for me to go back home. I got used to it. I’m no longer crying to go back home.”

Stephen

Stephen grew up in Nigeria, but he had plenty of international experience before winning the DV Lottery. The son of a Nigerian Supreme Court Justice, he had taken childhood trips to London, Paris, and Spain, and, after earning his bachelor's degree at a Nigerian university, he obtained a student visa and enrolled in a graduate program at UMass Amherst in 1994. Stephen completed graduate school and went on to earn a Ph.D. in electrical engineering at UMass Amherst in 2001.

Although he probably could have adjusted his visa status to remain in the U.S. after finishing his Ph.D. program, Stephen decided to try his luck in the DV Lottery. "At the time," he recalled, "it looked like I could get [a green card] easily through work. But the lottery was there, it was free, and I decided 'why not'?" He entered in 1997. A few months later he arrived at his house to find a letter in his mailbox informing him that he had won!

In contrast to other immigrants' struggles to find enough money to pay for visa fees, medical checks, and transportation to the U.S., Stephen's experience in the visa process was relatively easy. He had an interview at the JFK building in Boston's Government Center which lasted less than half an hour. After asking him a few questions and double-checking the information on his application, the immigration officer told him that he qualified for a green card.

Also in contrast to other immigrants, Stephen did not have much of an adjustment process after winning the lottery. He was already in a Ph.D. program and he had already lived for several years in the U.S. "I wasn't really green, per se," Stephen observed. For

him, winning the DV Lottery was less a life-changing event than the resolution of a potential headache (adjusting his visa status) down the road. With the question of his immigrant status resolved, Stephen earned his Ph.D. in 2001 and soon thereafter found a job as a college professor at a school in central Massachusetts.

Between 2002 and 2010, Stephen has visited Nigeria five times. Over the course of several of those visits, he met and courted his current wife. He obtained his citizenship in 2005, and last year his wife joined him in the U.S. He still holds ambitions, however, to return to Nigeria: “It’s always a dream.” “General welfare” (shelter, health, food, and utilities), he observed, was better in the U.S. than in Nigeria. In his view, however, social activities in Nigeria were more “vibrant.” Over there, he observed, “people are always very happy to see you.”

Realizing his dream of returning to Nigeria, however, has been difficult. “I have made some cursory attempts to go back and work there,” Stephen said, “but it’s not so easy to find a job that is comparable to what I have here.”

Appendix B

Memorandum

June 14, 2005

To: Barbara Lee

CC:

From:

Re: African Immigration Equity Act

On April 5, 2005, Mark Silverman (a constituent and long-time advocate of Congresswoman Lee) offered a concept paper and bill recommendation on African parity in the national origins quota of the Immigrant Visa lottery. After reviewing this proposal, it is our opinion that the bill would be a positive adjustment in current U.S. immigration policy.

Overall background of proposal:

This concept paper proposes consideration of a new federal “African Immigration Equity Act” to increase the annual allocation of immigrant visas to persons from Africa. This would *partially* redress the historical inequity rooted in our immigration laws, particularly the national origin quotas of enacted in 1920 and 1924.

The national origins quotas, originally enacted in 1920 and amended in 1924, were designed to have future immigration reflect the percentages of origins of Americans living in the United States as of 1910 and then amended to 1890. For example, in 1890, 30% of Americans were of English origin, and then 30% of the immigration would be from Great Britain. There were *no allocations for sub-Saharan Africa even though probably more than 15% of the U.S. population in 1890 was African*. This law is still the basis of our current immigration laws, but has been amended several times to adjust for special circumstances, and made to reflect times of war, and other special circumstances, like the Bracero Program.

The Diversity Visa Program allocates a set amount of visas to countries that don’t have a high amount of immigration to the US. It became law in 1990, and has not been directly amended since then. The only adjustment to it has been the Nicaraguan Adjustment and Central American Relief Act (NACARA) of 1997, which temporarily reduced the annual ceiling by 5,000. Probably the most convenient legislative vehicle to produce this result would be to increase the number of lottery visas for African as part of the annual Diversity Visa lottery. This is a temporary adjustment, though there is no defined expiration date. Currently, of the 55,000 visas allocated each year worldwide, about 20,000 are allocated to Africa and about 25,000 to Europe with the rest shared by other continents. In FY2002, 38.1% of the diversity visa recipients were African immigrants, and of the 14 countries receiving diversity visas, 5 of them were African nations (Egypt, Ethiopia, Ghana, Morocco, and Nigeria) For FY2005, the countries found ineligible for diversity visas were Canada, China, Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Pakistan, Phillipines, Russia, South Korea, the United Kingdom, and Vietnam.

Our proposal is to increase the annual allocations of visas for African countries. For example, the proposal could be to increase the total number of Africa’s total to 50,000 per year. The major requirement for a diversity visa in addition to complying with the application procedures is that the applicant must have a high school education or the equivalent of the same in her employment experience.

The principal decision is what should be the criteria, beyond that in the Diversity Visa program for eligibility. Some possibilities are:

- **Persons from any African country.**
- **Persons from any sub-Saharan African country.**
- **Persons from the West African countries from which the majority of the ancestors of African Americans were kidnapped.**

- **Persons from African countries who have immediate relatives in the U.S.**
- **Persons from African countries who have degrees or experience in certain fields that are deemed to be particularly beneficial to the African American community.**

Policy recommendation:

The concept paper brings up many good points, but in order to be able to address the disparity, an overall change would need to occur. This change would greatly benefit Africa, and its 900 million inhabitants. By updating the Diversity visa program with a system based on country population, it would greatly increase the amount of visas granted to Africans.

The disparity is obvious in U.S. immigration policies towards Africa; however, increasing the Diversity visa program to above proposal is unrealistic and possibly unfair to immigrants from India, Asia, and Latin American countries. It is recommended that instead of selecting a random, static quota for each immigrant population, the number of visas should be equitable to the population of each country. In this situation, nations like Tanzania, with 36.7 Million residents would be eligible for the same amount of visas as Spain with its 40.3 Million residents.

Appendix C

Dropped Observations:

In order to conduct the multivariate analysis of employment status, I had to eliminate 2,763 observations from the NIS data set. I eliminated 1,239 of those observations because of missing data or egregious outliers. The specific reasons for eliminating each observation are as follows:

- 589 respondents refused or failed to disclose their race
- 404 respondents refused or failed to disclose their English ability
- 57 respondents refused or failed to disclose whether they held a college degree
- 41 respondents refused or failed to disclose whether they had a sponsor
- 30 respondents refused or failed to disclose whether they had biological children.
- 29 respondents refused or failed to disclose their age
- 24 respondents refused or failed to disclose their total years of education
- 23 respondents refused or failed to disclose whether they had had adopted children
- 22 respondents with college degrees failed to disclose the country in which they obtained the degree.
- 10 respondents refused or failed to disclose their current employment status
- 6 respondents refused or failed to disclose whether they had step-children

- 2 respondents refused or failed to disclose whether they were married or in a marriage-like relationship
- 1 respondent reported that he had 86 total years of education (I deemed any answer above 36 to be an egregious outlier)
- 1 respondent reported that he received a non-immigrant visa after obtaining LPR

After eliminating those 1,239 observations, I also decided to eliminate 1,524 more observations in order to capture only respondents eligible for the workforce in the regressions. I defined respondents as ineligible for the workforce if they fell into any of the following categories:

- 1,032 respondents were homemakers
- 275 respondents were retired
- 141 respondents were students
- 64 respondents were disabled
- 12 respondents were on maternity or paternity leave

Definitions of Selected Variables:

Married or Long-Term Partner: Any NIS respondent who reported that he was married or “living together in a marriage-like relationship but not married.” I did not consider respondents who were separated, divorced, or widowed as married or in a marriage-like relationship.

Number of Children: The sum of a respondent's biological, adopted, and step-children.

Total Years of Education: Data for this variable comes directly from a question on the NIS. The survey documentation does not provide any precise definition of what constitutes a year of education, and the NIS interviewers were also instructed to accept the respondent's best estimate. Thus, there is a risk that the definition of a year of education may vary from respondent to respondent.

Respondents with College Degree: This variable differentiates between respondents who hold at least a college degree and those who do not. Thus, while some respondents held advanced degrees and some held only bachelor's degrees, I have included all degree holders in the same category.

Presently Working for Pay: There were two questions that addressed employment status. The "presently working for pay" question was the less ambiguous of the two.

If married, number of families with two members working: This question also incorporates data from the "presently working for pay" question, although it takes into account the respondent's spouse's employment status as well.

Speaks English "Well/Very Well": There were several questions measuring a respondent's English ability. On a 1-4 scale, respondents were asked to rate themselves on how well they could understand, read, speak, and write in English. I used only the "speak English" variable, and I used the respondents' self-assessment because there were fewer missing values than in the interviewers' assessment. Finally, instead of analyzing English ability as a continuous variable, I created a binary variable that separated respondents who reported understanding English

“very well” or “well” from those who said that they did not understand English well or at all.

Appendix D

Table D.1: Correlation Matrix for Variables Included in Multivariate Analysis of Employment Status

	PRESENTLY WORKING FOR PAY	MALE	BLACK	WHITE	AGE	TOTAL YEARS OF EDUCATION	COLLEGE DEGREE	U.S./U.K./CANADA DEGREE	ENGLISH ABILITY	STATUS-ADJUSTER	TOTAL MONTHS IN U.S.	SPONSOR	MARRIED OR LONG-TERM PARTNER	TOTAL CHILDREN	DV LOTTERY	FAMILY-SPONSORED	EMPLOYER-SPONSORED	REFUGEE	WHITE DV MIGRANT	BLACK DV MIGRANT
PRESENTLY WORKING FOR PAY	1																			
MALE	0.1161	1																		
BLACK	-0.1338	0.0364	1																	
WHITE	0.1165	-0.01	-0.3644	1																
AGE	-0.093	0.0207	-0.1245	-0.0104	1															
TOTAL YEARS OF EDUCATION	0.0987	0.0738	0.004	-0.1475	-0.1408	1														
COLLEGE DEGREE	0.073	0.0453	-0.1039	-0.1806	0.0054	0.6532	1													
U.S./U.K./CANADA DEGREE	0.1365	0.0196	-0.0513	0.0024	-0.143	0.2902	0.1773	1												
ENGLISH ABILITY	0.1327	0.0505	0.1299	-0.2096	-0.2045	0.4663	0.3838	0.2964	1											
STATUS-ADJUSTER	0.3324	0.0209	-0.1536	0.1782	-0.0261	-0.0041	-0.0107	0.2541	0.1673	1										
TOTAL MONTHS IN U.S.	0.128	-0.0023	0.0301	0.0305	0.1005	0.0505	0.014	0.088	0.1096	0.3683	1									
SPONSOR	-0.0621	-0.0256	-0.0804	-0.1497	0.0485	-0.0186	-0.0132	-0.0001	0.0166	-0.0525	-0.0287	1								
MARRIED OR LONG-TERM PARTNER	0.0617	0.0709	-0.1497	-0.0132	0.2143	0.0383	0.106	-0.0516	-0.0122	0.1179	0.0333	0.0477	1							
TOTAL CHILDREN	-0.0697	-0.0271	-0.0373	0.0706	0.573	-0.3562	-0.1858	-0.141	-0.2311	0.0393	0.0356	0.0438	0.2587	1						
DV LOTTERY	-0.1437	0.0513	0.3019	0.0424	-0.1916	0.1436	0.0529	-0.1157	-0.0337	-0.4488	-0.1651	-0.3554	-0.1307	-0.1996	1					
FAMILY-SPONSORED	-0.1425	-0.1025	-0.0911	0.0044	0.1452	-0.2136	-0.1928	-0.0419	-0.1064	0.0008	0.0101	0.3283	0.1606	0.195	-0.3452	1				
EMPLOYER-SPONSORED	0.2218	0.0802	-0.1695	-0.2252	-0.012	0.3495	0.3978	0.1872	0.3158	0.2127	0.0232	0.1259	0.0875	-0.1278	-0.2862	-0.3736	1			
REFUGEE	0.0863	0.0061	0.093	0.0673	0.0353	-0.0448	-0.0799	-0.0138	-0.0295	0.2717	0.3147	-0.151	-0.0004	0.0498	-0.1461	-0.1907	-0.1581	1		
WHITE DV MIGRANT	-0.0592	-0.0014	-0.1337	0.356	-0.1008	0.1212	0.0775	-0.0732	-0.125	-0.2872	-0.1038	-0.3011	-0.0445	-0.1207	0.6974	-0.2407	-0.1996	-0.1019	1	
BLACK DV MIGRANT	-0.1419	0.0727	0.708	-0.2677	-0.1577	0.0416	-0.0526	-0.0871	0.1094	-0.26	-0.0977	-0.1199	-0.1292	-0.1279	0.5195	-0.1793	-0.1487	-0.0759	-0.0936	1