CALLING OUT PRESIDENT TRUMP'S HOAX: THE GREEN CARD LOTTERY AND FAMILY FOURTH PREFERENCE HAVE NO CONNECTION TO TERRORISM

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By **Cyrus D. Mehta** & **Sophia Genovese**

Despite the President's most recent comments, individuals that immigrate to the United States via the Diversity Visa program and family-based petitions are not chosen out of a bin and are certainly not the "worst of the worst." To the contrary, individuals who come to the United States through these mechanisms undergo rigorous screenings and can face several years, sometimes decades, of processing and waiting.

Trump's most recent anti-immigration comments were sparked by the Halloween attack in New York City resulting in the tragic death of eight individuals, as well as the failed bomb attack in Times Square last week. The alleged Halloween attacker, Sayfullo Saipov, entered through the Diversity Visa program in 2010. Ceasing this political opportunity to further propel his anti-immigrant rhetoric, Trump declared that the Diversity Visa program brings in "the worst of the worst" and called on Congress to end the program. The individual who attempted to bomb the New York City subway at Times Square, Akayed Ullah, had entered through a fourth preference family-based petition. He was the child of the beneficiary of an approved I-130 petition filed by his parent's US citizen sibling. Trump again jumped on the opportunity to criticize another lawful method of immigration and declared that such "extended-family chain migration" is "incompatible with national security."

Given the backlogs in family-based preference categories and the rigorous screenings in both family-based petitions and the Diversity Visa program, it is difficult to understand how the President believes they are easily manipulated

processes for dangerous individuals to enter the United States. Logically speaking, if someone truly wanted to exert harm on Americans, there are several other ways to do so without having to go through the hassle of the diversity visa program or family-based petitions.

The modern-day Diversity Visa program was created by Congress through passage of the Immigration Act of 1990 and officially went into effect October 1, 1994. The purpose of the program is to "further enhance and promote diversity" by allowing individuals from countries with low rates of immigration to the United States the opportunity to obtain a green card. There have been many examples of immigrants who have succeeded and benefitted America through this program. In order to apply for the program, an individual must be from a low-sending country and have a high-school education or its equivalent. For FY 2019, individuals from every country but Bangladesh, Brazil, Canada, China (mainland), Colombia, the Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Nigeria, Pakistan, Peru, the Philippines, South Kora, the United Kingdom, and Vietnam are eligible to apply. If applicants fail to submit their registration within the rigid timelines, fail to meet the requirements explained above (i.e. do not possess a high-school education or its equivalent), or generally fail to follow the instructions in the application carefully, they will immediately be disqualified from consideration. Even being one of the nearly 100,000 individuals initially selected in the lottery is not a guarantee for admission, especially if the applicant has triggered one of the many grounds of inadmissibility in the Immigration and Nationality Act. Instead, lottery winners undergo rigorous background checks and interviews, all of which must be completed within a strict timeframe.

There was a time in our history where immigrants came to the country without being subjected to rigorous selection criteria, and only with a dream of starting a new life and doing well through sheer determination and hard work. This was America's secret sauce – its ability to attract and assimilate people regardless of their status in society and only with a burning desire to succeed. The Diversity Visa program is redolent of America's past, which still gives anyone who can qualify subject to rigorous screening – whether from Scandinavia or sub-Saharan Africa – a chance to dream, work hard and succeed in America.

Similarly, individuals seeking to immigrate through family-based petitions face crippling backlogs, in addition to the comprehensive security screenings prior to entering the United States. For many of these families, the process of

immigrating to the United States can take upwards of several years or even decades. For example, if a US citizen originally from Mexico filed an I-130 on behalf of their married son or daughter, their child can expect to wait at least another 21 years, if not longer, before they can apply for their immigrant visas. And even once their priority date becomes current, there is no guarantee that a consular officer will find them admissible for entry into the United States. It has now become fashionable, even by the likes of USCIS Director Francis Cessna, to criticize so called chain migration as not being desirable and providing a conduit for immigrants to come to the United States to do harm. But this is just subterfuge by immigration restrictionists to curtail family-based immigration in exchange for the proposed RAISE Act. Although the RAISE Act purportedly promotes merit based immigration through a points system, it will keep out most, even many highly skilled individuals, and it is thus no wonder that mostly xenophobes have welcomed it so far.

Chain migration is not a legal term, it is a political term, which is conveniently bandied around by those who oppose immigration, including Trump appointed officials like the USCIS Director who should be objectively administering the law rather than infecting it with Trump's and his own personal biases. For any rational immigration system to work, minor children of the sponsored person, whether through employment or family-based immigration, along with the spouse, must also be let in. If only the principal beneficiary is admitted on a permanent basis, no one will ever want to immigrate to the United States. While this may be the dream of xenophobes, to deny spouses and children of the sponsored immigrant to get green cards would be cruel and create an unworkable system. The honest xenophobic politician or government official should just advocate shutting down immigration altogether rather than hypocritically espouse it, but only object to chain migration. Objecting to chain migration means that you are advocating a total shut down of immigration. Moreover, every foreign national who has been admitted into the United States as a permanent resident can ultimately naturalize provided they meet the eligibility criteria. A citizen, whether naturalized or born in the United States, should be able to sponsor family members. If there was a sub-class of citizens who could not under law sponsor relatives out of fear that it would foster chain migration, there would be two tiers of citizens in America. This would go against the values of this country that treats all its citizens equally and gives them equal opportunities in all spheres of life. Worse still, it would Balkanize America. The

second-class citizens would not feel integrated and assimilated into the fabric of the country. America has succeeded brilliantly and has become great because all citizens are considered Americans no matter who their parents are or where they came from.

An individual with a vendetta against the United States and seeking to exert harm on Americans is not going to go through the pain of such a process. Putting logic aside, as this Administration has done from the start, Trump has nevertheless deemed these methods of lawful entry to be incompatible with national security and avenues through which terrorists are able to sneak in. Immigration, through the chain migration bogeyman, has unfortunately become a focal point of this Administration's racist and xenophobic rhetoric. They have and will continue to cling on to any and all violent acts committed by immigrants and use it as justification to severely limit immigration to the United States, despite the fact that immigrants are less likely to commit violent crimes than native born Americans.

Ascribing an entire population for the acts of an isolated few, who likely became radicalized in the United States long after their initial admission as immigrants, is ludicrous. Even a native born US citizen can become radicalized. Indeed, we do not see outrage against white American men every time a native-born white male shoots up a school, church, movie theater, concert, or literally any other venue imaginable. Nor have we seen substantive gun reform in an era of alarmingly high rates of deadly shootings. But yet, on the rare occasion that an immigrant does commit a crime, suddenly *all* immigrants have to answer for it and any avenue through which the violent individual entered the United States is criticized.   While there is clearly a logical nexus between a gun and a person's evil intent, it is hard to find such a similar nexus with a person's propensity to do harm and congressionally mandated visa programs. This is another one of Trump's many hoaxes. Recall the one when he claimed that he would have won the popular vote against Clinton had 3 million illegal voters not voted in her favor.

Simply closing the door to all immigrants because a few individuals committed crimes will do nothing but hurt America in the long run. We have provided exhaustive evidence throughout our blogs describing the various ways in which immigrants have benefited the United States. Immigrants with all sorts of backgrounds contribute to the United States, and it is fallacious to think that only those with limited skills contemplated under the RAISE Act will. It is unclear

why we have to [continue justifying immigration](#) in the face of such clear evidence. The solution will ultimately lie at the ballot box. Trump repeatedly criticized Ralph Northam in Virginia and Doug Jones in Alabama for being weak on the border and not supporting his wall. Yet, both defeated the candidates that Trump repeatedly promoted on Twitter as being tough on illegal immigration and supporting the wall. Scapegoating immigrants for electoral advantage may have succeeded once for Trump, but might not every time. The tide will turn as people realize that America's greatness is being diminished if it no longer has access to its secret sauce.