

Testimony of Congressman Bob Goodlatte
Immigration, Border Security and Claims Subcommittee Hearing on H.R. 704, the Visa Lottery
Elimination Act
April 4, 2011

Thank you for inviting me to testify today about my bipartisan legislation, H.R. 704, which eliminates the controversial visa lottery program.

The 9/11 Commission Report states: “The challenge for national security in an age of terrorism is to prevent the very few people who may pose overwhelming risks from entering or remaining in the United States undetected.” It goes on to say that “For terrorists, travel documents are as important as weapons ... terrorists use evasive methods, such as altered and counterfeit passports and visas ... and immigration and identity fraud.”

Alarming, the visa lottery program is ripe for abuse by terrorists and foreign spies. It awards legal permanent resident status to foreign nationals based on pure luck. Literally, the State Department conducts a random lottery to pick these individuals. Millions apply and approximately 50,000 foreign nationals are awarded green cards to enter the U.S. each year.

Usually, immigrant visas are issued to foreign nationals that have existing connections with family members lawfully residing in the United States or with U.S. employers. These types of relationships help ensure that immigrants entering our country have a stake in continuing America’s success and have needed skills to contribute to our nation’s economy. However, under the visa lottery program, green cards are awarded to immigrants at random without meeting such criteria.

A perfect example of the system gone awry is the case of Hesham Mohamed Ali Hedayet, the Egyptian national who killed two and wounded three during a shooting spree at Los Angeles International Airport in July of 2002. He was allowed to apply for legal permanent resident status in 1997 because of his wife’s status as a visa lottery winner.

The State Department’s Inspector General testified before the 109th Congress that the 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.” With the tool of “legal permanent resident” status in hand, terrorists and spies would have free reign to travel and plan terrorist activities within the borders of the United States.

Even if technical 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 previous criminal backgrounds. These types of organized efforts would never be detected, even if significant background checks and counter-fraud measures were enacted within the program.

Complicating this national security threat is the fact that the lottery program is wrought with fraud. The State Department’s Office of Inspector General declared in a September 2003 report that the visa lottery program is “subject to widespread abuse” and that “identity fraud is endemic, and fraudulent documents are commonplace.”

More recently, a 2007 Government Accountability Office report found that the visa lottery program “is vulnerable to fraudulent activity committed by and against applicants...” The same 2007 report found that consular officers at 6 posts [out of the 11 posts reviewed] reported that “widespread use of fake documents, such as birth certificates, marriage certificates, and passports, presented challenges when verifying the identities of applicants and dependents.”

In addition, the visa lottery program is unfair to immigrants who comply with the United States’ immigration laws. Most family and employer-sponsored immigrants currently face a wait of many, many years to legally enter the U.S., 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.

The visa lottery program is also by its very nature discriminatory because it arbitrarily disqualifies natives from countries with higher immigration levels to the U.S., which excludes nationals from countries such as Haiti, the Philippines, Canada, the United Kingdom, India, and many others.

The visa lottery program represents what is wrong with our country’s immigration system, is a national security threat, and must be terminated. My legislation would do just that.

CBO estimates that eliminating the visa lottery would save the federal government \$164 million over ten years, with those savings coming from the food stamp and Medicaid programs.

The House has twice passed provisions to eliminate the visa lottery program. Once under a Democratic Majority in the 110th Congress as an amendment to the FY 2008 State / Foreign Operations Appropriations bill on the House Floor and once in the 109th Congress as an amendment to H.R. 4437 on the House Floor with a strong bipartisan vote.

This Congress, the effort is again bipartisan, and I want to particularly thank Representatives Peter DeFazio and Brad Sherman for signing on as original cosponsors of this legislation.

Thank you. I look forward to any questions you may have.