



TESTIMONY OF AMBASSADOR JOHNNY YOUNG

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On

THE DIVERSITY IMMIGRANT VISA PROGRAM

Before

The House Judiciary Subcommittee on Immigration Policy and Enforcement

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I am Ambassador Johnny Young, Executive Director of Migration and Refugee Services of the United States Conference of Catholic Bishops (USCCB or the Conference). I testify before you today on behalf of USCCB.

Before I begin, I would like to thank Committee Chairman Lamar Smith, Ranking Committee Member John Conyers, Subcommittee Chairman Elton Gallegly, and Ranking Subcommittee Member Zoe Lofgren for inviting me to testify before the Subcommittee on this important matter.

My testimony before the Subcommittee will outline the Conference's position on the Diversity Immigrant Visa Program. In so doing, I will explain why the U.S. Bishops believe that the Program, though small, is an important facet of both U.S immigration and foreign policy and therefore should be preserved.

The Role of the U.S. Catholic Bishops in the Immigration Policy Dialogue

Chairman Gallegly, the issue of immigration is complex and elicits strong opinions and emotions from all sides of the public debate. It touches upon our national economic, social, and cultural interests and has been analyzed and dissected predominately in those terms. From the perspective of the U.S. Catholic Bishops, immigration is ultimately a humanitarian issue because it impacts the basic human rights and dignity of the human person.

The U.S. Catholic Church has a rich tradition of welcoming and assimilating waves of immigrants and refugees who have helped build our nation throughout her history. In 1988 USCCB established a legal services subsidiary corporation which currently includes 196 diocesan and other affiliated immigration programs with 290 field offices in 47 states. Collectively, these programs serve some 600,000 low-income immigrants annually.

The Catholic Church's work in assisting migrants stems from the belief that every person is created in God's image. In the Old Testament, God calls upon his people to care for the alien because of their own alien experience: "So, you, too, must befriend the alien, for you were once aliens yourselves in the land of Egypt." Deut. 10:17-19. In the New Testament, the image of the migrant is grounded in the life and teachings of Jesus Christ. In his own life and work, Jesus identified himself with newcomers and with other marginalized persons in a special way: "I was a stranger and you welcomed me." Mt. 25:35. Jesus himself was an itinerant preacher without a home of his own as well as a refugee fleeing the terror of Herod. Mt. 2:15.

In more modern times, popes over the last 100 years have developed Church teaching on migration. Pope Pius XII reaffirmed the Church's commitment to caring for pilgrims, aliens, exiles, and migrants of every kind, affirming that all peoples have the right to conditions worthy of human life and, if these conditions are not present, the right to migrate.¹ Pope John Paul II

¹ Pope Pius XII, *Exsul Familia (On the Spiritual Care of Migrants)*, September, 1952.

stated that there is a need to balance the rights of nations to control their borders with basic human rights, including the right to work: “Interdependence must be transformed into solidarity based upon the principle that the goods of creation are meant for all.”² In his pastoral statement, *Ecclesia in America*, John Paul II reaffirmed the rights of migrants and their families and the need for respecting human dignity, “even in cases of non-legal immigration.”³

In an address to the faithful on June 5, 2005, His Holiness Pope Benedict XVI referenced migration and migrant families “... my thoughts go to those who are far from their homeland and often also from their families; I hope that they will always meet receptive friends and hearts on their path who are capable of supporting them in the difficulties of the day.”

In the U.S. and Mexican Bishop’s joint pastoral letter, *Strangers No Longer: Together on a Journey of Hope*, the U.S. Bishops further define Church teaching on migration, calling for nations to work toward a “globalization of solidarity: It is now time to harmonize policies on the movement of people, particularly in a way that respects the human dignity of the migrant and recognizes the social consequences of globalization.”⁴

Some in the current debate have suggested that the U.S. Bishops do not fully support the enforcement of our nation’s immigration laws, in an attempt to discredit the Catholic Church’s voice in the immigration policy dialogue.

The U.S. Catholic bishops understand and recognize the role of the government in enforcing the law in the interest of the common good. In the pastoral letter, *Strangers No Longer: Together on the Journey of Hope*, the U.S. Bishops recognized the right of the sovereign to control and protect its borders, stating: “we accept the legitimate role of the U.S. . . . government in intercepting undocumented migrants who attempt to travel through or cross into [the country].” The U.S. Bishops emphasized, however, that “. . . [w]e do not accept . . . some of the policies and tactics that our government has employed to meet this. . . responsibility.”⁵

In *Strangers No Longer*, the U.S. Bishops made clear that despite the sovereign’s right to control its borders and engage in enforcement of immigration laws, the “human dignity and human rights of undocumented migrants should be respected.” The U.S. Bishops declared that “[r]egardless of their legal status, migrants, like all persons, possess inherent human dignity that should be respected . . . Government policies that respect the basic human rights of the undocumented are necessary.”⁶

² Pope John Paul II, *Sollicitudo Rei Socialis*, (On Social Concern) No. 39.

³ Pope John Paul II, *Ecclesia in America (The Church in America)*, January 22, 1999, no. 65.

⁴ *Strangers No Longer: Together on the Journey of Hope. A Pastoral Letter Concerning Migration from the Catholic Bishops of Mexico and the United States*, January 23, 2003, No. 57.

⁵ *Id.* at No. 78.

⁶ *Id.* at No. 38.

The U.S. Bishops' Support for the Preservation of the Diversity Immigrant Visa Program

As you know, Mr. Chairman, the Diversity Immigrant Visa Program provides lawful permanent residence to immigrants from what are designated low-admission countries. Structured as a lottery system, the Program has a statutory annual numerical limitation of 55,000 visas⁷ for applicants from countries with low rates of immigration to the United States.⁸ Citizens from any country emigrating more than 50,000 immigrants to the United States in the preceding five years are ineligible to receive benefits under the program.⁹ No eligible country can receive more than seven percent of the available diversity visas in any one year.¹⁰

Congress established the Diversity Visa Program through the Immigration Act of 1990.¹¹ The Program is administered through the U.S. Department of State and conducted pursuant to § 203(c) of the Immigration and Nationality Act (INA). The State Department does so through the Kentucky Consular Center which runs the online entry and selection process and through consular posts abroad which are responsible for conducting visa adjudication interviews.¹²

As you are aware, Mr. Chairman, to be eligible for a Diversity Visa, applicants must not only originate in an eligible country, but also demonstrate that they either hold the equivalent of a U.S. high school education¹³ or have two years of work experience in an occupation requiring two years of training or experience within the five-year period immediately prior to the application.¹⁴ Further, applicants must be otherwise admissible to the United States; Diversity Visa applicants, like other visa applicants, are subject to grounds of visa ineligibility, including medical, terrorism, and criminal bars. Those accepted in the Program undergo stringent background checks.

⁷ In 1997, Congress passed The Nicaraguan Adjustment and Central American Relief Act (NACARA) which provides that up to 5,000 of diversity visas allocated each fiscal year be made available for use under the NACARA program. The reduction to 50,000 of available visas began with DV-2000.

⁸ Immigration Act of 1990, Pub. L. No. 101-649, § 131, 104 Stat. 4978, 4997-99 (1990) (codified at 8 U.S.C. § 1153 (c)).

⁹ Individuals from countries with more than 50,000 immigrants in the employment or family-based visa categories in the prior five years are not eligible. In FY 2011, individuals from the following countries were ineligible: Brazil, Canada, China, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, India, Jamaica, Mexico, Pakistan, Peru, the Philippines, Poland, South Korea, United Kingdom, and Vietnam.

¹⁰ 8 U.S.C. § 1153(c).

¹¹ 8 U.S.C. § 1153 (c).

¹² 8 U.S.C. §§ 1104(A), 1201(a).

¹³ “High school education or its equivalent” means successful completion of either a 12-year course of elementary and secondary study in the United States or elementary and secondary education comparable to 12 years of education in the United States.

¹⁴ The Department of Labor establishes eligible occupations, available at <http://www.online.onetcenter.org>

Mr. Chairman, the Diversity Visa Program is being questioned by some who believe its elimination would better serve U.S. immigration and national interests. They, including those here today, maintain that the Program is wrought with fraud, both on and by applicants, and that it represents a potential national security threat. Others state that the very lottery-like nature of the Program itself is the reason why it should be abolished, arguing that the admission of individuals who have neither ties to business nor family is not in our national interest.

The U.S. Bishops believe that the call for the Diversity Visa Program's elimination is misguided. The Program is an important facet of not only U.S immigration policy but also U.S. foreign policy interests. Indeed, the Program benefits the United States' interests both domestically and abroad.

I will address each of these in turn.

First, U.S. domestic interests are served by the Diversity Immigrant Visa Program. The Program provides an avenue for a diverse population of qualified individuals to immigrate to the United States. It reaches beyond those with family or business ties in the United States today and creates a mechanism for a racially, ethnically, and culturally-diverse population to lawfully emigrate that would otherwise not exist under other visa programs. These eligible immigrants, in turn, benefit from U.S. freedoms and opportunities, while contributing to the economic and cultural fabric of our great nation. In facilitating this, the Diversity Visa Program promotes respect for U.S. immigration laws – rewarding would-be immigrants who respect our laws and seek a lawful means of entry into the United States.

Second, U.S. foreign policy interests are served by the Diversity Visa Program. Mr. Chairman, I served as U.S. Ambassador to countries as varied as Slovenia and Sierra Leone. Today, I am Executive Director of the largest refugee resettlement agency in the world. From these vantage points, I have witnessed first-hand U.S. diplomacy and direct aid initiatives undertaken to further U.S. national interests abroad. These important initiatives are undertaken, in part, to help shape the minds and hearts of those within their borders to regard the United States and the democracy it enjoys as a beacon of hope and opportunity, and therefore a leader, in the world. The Diversity Immigrant Visa Program helps further these objectives. The Program engenders hope abroad for those that are all too often without it – hope for a better life, hope for reunification with family in the United States, and hope for a chance to use their God-given skills and talents.

I have to look no further than a Togolese woman who exemplifies what we believe is right with the Program. Mr. Chairman, in the late 1990's, I served as U.S. Ambassador to Togo, an African nation with low levels of family and employment-based immigration to the United States. In my time there, I had the opportunity to meet a highly-educated Togolese woman. Her sister, with whom she was close, was a U.S. Citizen who had petitioned for her to come to the United States on a family-based visa. She was told that the wait period was 25 years. In the meantime, she applied for the Diversity Visa. Although she did not win the Diversity Visa "lottery" in the first

several years of applying, she remained resolute in her hope for reunification with her sister. In her fourth year of applying, she won the visa lottery and immigrated to the United States with her teenage son. She reunited with her sister, contributes to the United States in numerous ways by sharing her gifts and talents, and her son who was a derivative graduated from a U.S. high school and went on to earn his MBA at Harvard.

Mr. Chairman, but for the Diversity Immigrant Visa Program, the United States would not benefit from this family's tremendous talents.

Yet, Mr. Chairman, the U.S. Catholic Bishops' belief in this Program is founded on more than mere anecdote alone.

The data shows that since its inception, the Diversity Immigrant Visa Program has promoted a necessary diversification of the immigrant population in the United States. According to the Government Accountability Office (GAO), "the data show that the DV Program is contributing to the diversification of the U.S. immigrant pool."¹⁵ Indeed, well over half a million immigrants from countries with low rates of admission to the United States have become lawful permanent residents through the Program.¹⁶ The majority of Diversity immigrants are from Africa and Europe – two regions with low-levels of admission under family or employment based immigrant visas.¹⁷

Moreover, the Program advances our nation's interests abroad. In a 2009 report issued by an independent task force co-chaired by Jeb Bush and Thomas F. McLarty III, and published by the Council on Foreign Relations, the authors stated that immigration's "emergence as a foreign policy issue coincides with the increasing reach of globalization. Not only must countries today compete to attract and retain talented people from around the world, but the view of the United States as a place of unparalleled openness and opportunity is also crucial to the maintenance of American leadership."¹⁸ The task force underscored the importance of U.S. immigration policy to the United States' role in the world, stating that "America's openness to and respect for immigrants has long been a foundation of its economic and military strength, and a vital tool in its diplomatic arsenal. With trade, technology, and travel continuing to shrink the world, the manner in which the United States handles immigration will be increasingly important to American foreign policy in the future."¹⁹

¹⁵ U.S. Government Accountability Office (GAO), *Border Security: Fraud Risks Complicate State's Ability to Manage Diversity Visa Program*, 07-1174, 12-14 (September 2007).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Council on Foreign Relations, Independent Task Force Report No. 63, *U.S. Immigration Policy*, ix (July 2009), available at <http://www.cfr.org/immigration/us-immigration-policy/p20030>, last visited April 3, 2011.

¹⁹ *Id.* at 3-5.

Mr. Chairman, the Diversity Immigrant Visa Program generates goodwill and hope among millions across the globe ravaged by war, poverty, undemocratic regimes, and opacity in governance. Through the Diversity Immigrant Visa Program, the United States markets a counterpoint to that reality: a chance at becoming an integral member of an open, democratic society that places a premium on hard work and opportunity. In Fiscal Year 2011 alone, there were 12.1 million qualified applicants to the Diversity Immigrant Visa Program.²⁰ From a diplomacy standpoint, that is a powerful opportunity.

Conclusion

Mr. Chairman, I would like to thank you for inviting me to testify before the Subcommittee today.

The U.S. Catholic Bishops ask that Congress maintain lawful avenues for immigration to the United States and continue to prioritize the diversification of our immigrant pool. The Diversity Immigrant Visa is an important facet of both our domestic and foreign policy objectives. If we are truly concerned about the rule of law, the wholesale elimination of legal avenues for immigration, such as the Diversity Visa, is not the answer. Where fraud is present or security risks the potential, Congress should work with the Administration to implement measures to combat that fraud, as recommended by the GAO, and as it does with other important government benefit programs.

We urge Congress to resist engaging in a piecemeal approach to the complex issue of unauthorized and authorized immigration, and instead pass immigration reform laws which ensure the rule of law in the United States and respect the dignity of immigrants in our midst.

Thank you for your consideration of our views.

²⁰ See Diversity Visa Lottery Fiscal Year 2011 Results at http://travel.state.gov/visa/immigrants/types/types_5073.html, last visited April 3, 2011 (“Applicants registered for the DV-2011 program were selected at random from over 12.1 million qualified entries (16.5 million with derivatives) received during the 60-day application period that ran from noon on October 2, 2009, until noon, November 30, 2009.”).