

The Asylum Lottery: The Diversity Immigrant Visa Program and America's Invisible Refugees

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WRITER'S COMMENT: When I first heard Abdi's story in 2015, something about it immediately both intrigued and troubled me. I then set off on a long rabbit trail journey to discover the 1980s roots and origins of the Green Card Lottery for my honors thesis. Abdi was not a part of that story – but he was always in the back of my mind. When Professor Maurice Stierl gave us the option of choosing our own topic for our final paper, I knew that I wanted to write about Abdi. When I finally turned my focus away from the Green Card Lottery's questionable beginnings, I was able to discover the unintended purpose that it serves today. For many like Abdi, it serves as a form of escape from ethnic violence, trauma, and even death. While refugee status grants individuals access to vital resources and support during their first months in the US, arriving in the country as a 'diversity migrant' through the Green Card Lottery does not. Because the US and other countries have restrictions on the amount of refugees they are willing to receive per year, those in search of safety are often forced to turn to alternative routes.

INSTRUCTOR'S COMMENT: In my MSA182C seminar 'Mediterranean Migration: Human Mobility, Rights and Loss at Sea', students explored discourses, practices and struggles over migration and borders. While it focussed on the situation in Europe, students were invited to think about other political and regional contexts within which to discuss questions over belonging and unbelonging, inclusion and exclusion—not that difficult if we think about the bordered nature of the world we live in. Nonetheless, Jasmine did something special.

She chose to write about the US ‘Green Card Lottery’ and convincingly argues that its intended rationale has shifted, turning it into an ‘asylum lottery.’ Her essay is special not only because of her concise analysis, convincing argument and beautiful writing style: Jasmine was able to interview Abdi Nor Iftin, a Somali refugee who recently ‘won’ the lottery. Using his direct account as well as newspaper articles about his life story, Jasmine allows readers to follow his complicated journey. In a time when moving populations are portrayed as undifferentiated masses, waves or invasions, it is particularly important to provide counter-narratives – and this is what Jasmine does.

– Maurice Stierl, Visiting Scholar

A little over two and a half decades ago, the Diversity Immigrant Visa Program became a permanent part of US immigration policy with the Immigration Act of 1990. Every year the program, known informally as the Green Card Lottery, randomly grants about 50,000 green cards to applicants from countries deemed by the Department of State to be underrepresented in the immigrant stream.¹ Its Congressional founders declared that the program was created to enhance geographic diversity in the United States. Many since have simply taken these claims at face value.² In 2015, the Ellis Island National Museum of Immigration unveiled a new exhibit regarding post-1945 US immigration policy called “The Journey: New Eras of Immigration.” In language echoing that of its founders, the Green Card Lottery is described as a 1990 provision simply “aimed at increasing the diversity of immigrants.”³

As I, along with historian Jennifer Nugent Duffy and legal scholar Bill Ong Hing have previously noted, the Green Card Lottery was not

1 U.S. Department of State: Bureau of Consular Affairs, *The Diversity Visa Process*, “Entry,” accessed June 3, 2016, <https://travel.state.gov/content/visas/en/immigrate/diversity-visa/entry.html>

2 One example of this can be seen in Linda Dowling Almeida’s piece *Irish Immigrants in New York City, 1945-1995* (Bloomington: Indiana University Press, 2001).

3 Wall text, 1990, “The Journey: New Eras of Immigration,” *Ellis Island National Museum of Immigration*, New York City, NY.

originally designed to “diversify” the population of the United States.⁴ Yet, even after its more controversial purpose was accomplished, the Green Card Lottery continued to live on and still exists today.

In 2002, legal historian Anna O. Law noted that the program had finally shifted away from its original Eurocentric origins. She observed that it was ironically living up to its name by producing “a stream of immigrants from countries that are very different than the ones that currently dominate the immigration system.”⁵ Since the time of her writing, a new conversation about the Green Card Lottery has arisen—not in the academic literature, but upon the pages of national newspapers and in the commentary of well-known radio broadcasters. It regards the impact of the program on those who could, under international law, potentially qualify as refugees.

In this paper, I show that the function of the Green Card Lottery has once again shifted. Long ago the Green Card Lottery functioned as an undercover way to legalize undocumented Europeans residing in the Northeast. More recently, it has been a policy that truly enhances demographic diversity in the United States. But today, the Green Card Lottery is something that it was never meant to be—an asylum lottery. I argue that the Green Card Lottery informally serves as an alternative way for individuals in the global south to effectually apply for asylum in the United States.

In order to make this case, I follow the story of Abdi Nor Iftin, a self-identified Somali refugee who was residing in Kenya when he applied to the program. I had the great privilege of interviewing him on May 30, 2016 for this piece. A year prior, in 2015, Abdi’s story had been broadcast on NPR’s “This American Life”—one of the most popular audio podcasts in the US. Because his case has been more publicized than

4 Jasmine M. Stoltzfus, “The ‘Other Illegals’: Irish Immigrants and the Origins of the Diversity Immigrant Visa Program, 1986-1994” (honors thesis, UC Davis, 2016); Jennifer Nugent Duffy, *Who’s Your Paddy? Racial Expectations and the Struggle for Irish American Identity* (New York: New York University Press, 2014); Bill Ong Hing, *Defining America Through Immigration Policy*. (Philadelphia: Temple University Press, 2004).

5 Anna O. Law, “The Diversity Visa Lottery: A Cycle of Unintended Consequences in United States Immigration Policy,” *Journal of American Ethnic History* 21, no. 4 (Summer 2002): 24.

that of any other Green Card Lottery winner during the 21st century, Abdi has become the face of the program.

In Part I of this piece, I draw from my personal interview with Abdi, along with two of his previous interviews (conducted by Leo Hornack of the BBC and Ira Glass of NPR). In Part II, I show why Abdi was chosen to represent the millions of individuals who apply to the program every year. I conclude with a discussion of how this single microhistory reveals broader problems in the international asylum regime.

Part I: “Abdi and the Golden Ticket”⁶

“I don’t remember peace, just war.”⁷

– *Abdi Nor Iftin reminiscing about his time in Somalia*

Somalia sits on the coast of Eastern Africa, sharing land borders with Ethiopia, Kenya, and Uganda. Yemen is just to the north, across the Arabian Sea. While formally established in 1960, the country has had no formal government since 1991.⁸ During the tumultuous twenty-five year period since, millions of Somalis have been both internally and externally displaced. Although there have been brief periods of relative stability, the past two decades have been more or less comprised of violent conflict, drought, and famine.⁹

The first major displacement of people came with the post-Cold War removal of Siyad Barre and the ensuing civil war in the early 1990s. International organizations attempted peacekeeping missions without much success and in 1995, as tensions mounted, the international community largely physically withdrew from Somalia. During this time, many Somalis who could afford it left for neighboring countries, and by

⁶ I have taken this title from the BBC and NPR’s airing of Abdi’s story (2014 and 2015). See bibliography.

⁷ Leo Hornack. “Abdi and the Golden Ticket.” *BBC Radio Crossing Continents*. Podcast audio. December 29, 2014.

⁸ Pickering, Sharon. *Women, Borders, and Violence: Current Issues in Asylum, Forced Migration, and Trafficking*. (New York: Springer, 2011), 19.

⁹ Anna Lindley, “Between a Protracted and a Crisis Situation: Policy Response to Somali Refugees in Kenya.” *Refugee Survey Quarterly* (Fall 2011): 6.

1992, the registered Somali refugee population in Kenya reached almost 300,000.¹⁰

After 1996, the situation in Somalia became relatively quieter. This was interrupted in 2006 when the Islamic Courts Union (ICU) gained major political power. The United States reacted to the idea of Somalia as an emerging Islamist state with an interventionist response. Along with other Western nations, it encouraged Ethiopian forces to enter Somalia, in the hopes that they would oust the ICU, favoring a new government. The situation escalated when the ICU's militia wing—al-Shabab—built ties with the terrorist organization al-Qaeda and mounted an armed opposition. By 2010, al-Shabab controlled much of southern Somalia and most of the capital; it also sent suicide bombers to surrounding nations such as Uganda.¹¹ That year, Mogadishu, the capital of Somalia, gained the reputation of “the most dangerous city on earth.”¹²

Enter Abdi

This was the context in which Abdi grew up. His memory is a constellation of the violent sights and sounds that interrupted daily life in the ocean city of Mogadishu. In our interview, he described Somalia as a place of “war, displacement, malicious deaths, robbery...and just, you know, violence.”¹³ He recalls regularly happening upon dead bodies in his neighborhood. When he was a young man, members of al-Shabab attempted to recruit him and his friends. This happened not once, but many times.

On one occasion, Abdi was in a local mosque in Mogadishu during Friday afternoon prayers when members of the terrorist organization suddenly arrived. They blocked all the doors, forcing the 100 people present to stay inside. Next, the names and phone numbers of everyone there were recorded. Those in the mosque were commanded to attend a two-hour training that afternoon. Abdi took a huge risk by not showing

10 Lindley, 3.

11 Tristan McConnell. “Close Your Eyes and Pretend to be Dead,” *Foreign Policy Journal*, September 21, 2015.

12 Ibid.

13 Abdi Nor Iftin, interview by author, May 30, 2016.

up. He evaded al-Shabab for the next several months by never sleeping in the same bed two nights in a row.

Perilous Passage

While Abdi spent his time evading al-Shabab, more and more of his friends simply left the country. They joined the thousands of others who attempted the deadly journey across the Gulf of Aden. After making it to Yemen, many moved on to settle in countries like Saudi Arabia and Qatar. Desperate to escape, Abdi and his childhood best friend, Abdullahi, arrived on the shores of the Arabian Sea one afternoon with the intent of catching a boat for Yemen as “thousands of young Somalis do.”¹⁴ The fee was steep for a young Somali—about 80 US dollars.¹⁵ Abdi had been saving money for months, but only had \$50. He hoped the smugglers would accept it. They refused. Abdullahi, on the other hand, paid the full price and got on board. The two friends waved goodbye. Two hours after his departure, the boat sank and Abdi’s best friend drowned in the Arabian Sea. Sadly, this is the fate of many who attempt this crossing. In a single eight-month period in 2008, 261 people from Somalia died this way.¹⁶ Abdi returned home to Mogadishu and was stunned to find that the Ethiopian military had just commenced its operations in Somalia.

Those who did not attempt to leave via the Gulf of Aden instead escaped by trekking across the Sahara Desert. They often departed from North African countries like Libya in an effort to reach the fringe of Europe.¹⁷ In 2011, many Somalis braved the Mediterranean and arrived on the island of Malta. Over a thousand formally applied for asylum status there that year, but only a minute number of these applications were approved. Perceived as “diseased and criminal,” many Africans in Malta were detained for up to eighteen months without trial.¹⁸

In earlier years, the Kenyan-Somali border had been more open and easier to penetrate. Yet, during Abdi’s time, it was what he described

14 Iftin, interview.

15 Ibid.

16 Pickering, 22.

17 T. G. Hammond, “The Mediterranean Migration Crisis,” *Foreign Policy Journal* (2015): 5.

18 Pickering, 32; 29.

as “completely shut” and “just like the US-Mexico border” in terms of impenetrability.¹⁹ Concerns about a growing Somali population in Kenya had led to increasing border militarization. Abdi remembers the growing presence of the Kenyan military on “their side” of the border, ready to shoot anyone who attempted to cross. On the Somali side, Islamist extremists were on the lookout for anyone who tried to leave the country.

The physical border between Uganda and Kenya was a little less guarded. With several hundred dollars, it was possible to fly to Uganda and covertly cross from there to Kenya in the dead of night. To Abdi, this seemed like the most viable path. But he had nowhere near the several hundred dollars required to pay for the plane ticket and smuggling fee. From the look of things, he probably never would—unless something out of the ordinary occurred.

Fortune

When Abdi was young, his mother always recommended that he study Arabic, sending him to Quranic lessons as a young boy—but he was stubborn and wanted to learn English instead. In the evenings he would go to the local theatre—a shack really—and sit by the speakers so he could better hear the foreign words and practice his accent. Eventually he became known for his ability to translate the American films that didn't have Arabic subtitles. For this, along with his long-term love for a Western country on the other side of the world, his friends called him “the American” or “Abdi America.”²⁰ He received death threats from al-Shabab for this nickname.

When a reporter from the Chicago Tribune came to visit his neighborhood, Abdi would put his English to good use. In fact, the two had a conversation that lasted almost three hours in which Abdi divulged the details of the daily struggle of life in Somalia. The journalist responded, “We need your voice, we need the world to hear you.”²¹ He asked if the English-speaking Somali would be willing to record a daily audio journal that could potentially be broadcast on American radio. Abdi said yes right away. His friends were not so sure. If Abdi had

19 Ifin, interview.

20 Ifin, interview.

21 Ibid.

received death threats just for his nickname, they reasoned that working with a Western radio program could be “the deadliest thing ever.”²² Abdi shrugged off these concerns because, he said, he “knew it would open doors.”²³ And it did.

A woman named Sharon MacDonald was so moved by the bits of Abdi’s story that were broadcast on-air that she requested to be put in contact with him. This was his second lucky break. When she asked him what he needed, Abdi responded, “Just get me out of here.”²⁴ She would be the one to pay for his \$500 plane ticket to Uganda and then later fund his smuggling across the Kenyan-Uganda border in the early hours of one tense winter morning in March 2011. When police searched the truck Abdi was hiding in, they did not find him. He was squeezed behind the driver’s seat. He was 24-years-old—or at least he thinks he was. He told me that no one in Somalia really knows when they were born.

Abdi had finally made it to Kenya. By this time, his brother, Hassan, had been living there for almost nine years. Abdi joined him in the district of Eastleigh near the capital city of Nairobi. Because of Eastleigh’s large Somali population, many refer to it as “Little Mogadishu.”²⁵ By 2011, when Abdi arrived, the number of registered Somali refugees living in Kenya had nearly doubled since 1992.²⁶ He applied, but was unable to receive refugee status as the country was becoming increasingly uncomfortable with its growing Somali minority.

After also unsuccessfully applying to the US first as a refugee and later as a student, Abdi was beginning to lose hope. But one day he saw a posting on the window of a cyber café. It read “APPLY FOR THE US GREEN CARD.”²⁷ At first, he didn’t believe it was real, but the Kenyan owner of the cyber café encouraged him: “Two guys who applied here are in [the] US right now.”²⁸ Abdi applied that same day, encouraging his friends to do so as well.

22 Iftin, interview.

23 Iftin, interview.

24 Ibid.

25 Mwarwa Samora, “The Somali Question,” *World Policy Institute* (Fall 2013): 100.

26 Lindley, 5.

27 Iftin, interview.

28 Iftin, interview.

Six months later, in May of 2013, the day arrived when selections would be released. Abdi brought the confirmation number that he had been carefully hiding under his bed back to the same cyber café. All of his friends typed in their confirmation numbers and, one-by-one, were met with the disappointing news that they had not been selected. Then it was Abdi's turn. He would say later that what happened next was the happiest moment in his life. When he pressed enter, everyone around him immediately started cheering. He had won.

Death and Departure

Things took a turn for the worse when al-Shabab and its supporters began carrying out attacks in retaliation for Kenya's invasion of Somalia.²⁹ On September 21, 2013, armed members of al-Shabab murdered sixty-seven people in Kenya's Westgate Shopping Mall.³⁰ Immediately afterwards, Kenyan authorities responded with an intense crackdown on the nearby Somali community in Eastleigh. In the name of security and ousting hidden al-Shabab operatives, every young Somali became a target. Nairobi-based journalist Mwaura Samora observed that "Often Somalis are beaten, arrested, and bundled into police cars for detention where they languish for days or weeks with no charges ever leveled against them."³¹ Abdi and his brother remember this well: "We would hide in our houses. And you could hear screams, children crying, women being hauled away on trucks. Being in that room, listening, waiting for someone to take us both away—can you imagine how that feels?"³²

Abdi placed his hope for escape in the Green Card Lottery. Yet, although he had been selected, this was only the first step. Next, he would have to submit the numerous documents that the US embassy had requested. This included a report from the police confirming good conduct. It was extremely dangerous to approach authorities during a time when relations between Kenya's ethnically Somali community and the police had become increasingly tenuous. Sometimes simply being Somali was enough to make walking around in broad daylight incredibly

29 Samora, 100.

30 McConnell.

31 Samora, 101.

32 Iftin, interview.

risky. Yet, after several dangerous attempts, Abdi obtained the certificate that the US embassy had demanded. He would also need to undergo an expensive medical examination and obtain school records from the war-torn state of Somalia.

As Anssi Passi notes, the border can be anywhere and, in fact, exists “everywhere.”³³ Abdi encountered a multiplicity of borders, even when he had already “won” the Green Card Lottery. His own determination, along with the help of Sharon MacDonald and the BBC reporter, led to an eventual surmounting of these borders. Abdi received his visa in 2014 and arrived in a small city in the Northeastern United States in autumn of that year.

Part II: An Analysis

“I’m going to the United States of America...the land where every refugee dreams to be to build a new life.”³⁴

– *Abdi Nor Iftin while waiting to board his flight to the US*

When Abdi applied to the Green Card Lottery in 2012, almost 15 million people from 192 other countries around the world applied along with him.³⁵ The fact that these millions of people apply for just 50,000 visas every year strengthens the image of America as a distinctly desirable nation, supporting notions of exceptionalism. As Nazli Kibria and her colleagues note with tongue in cheek, “...that so many men and women want to come to America offers positive proof that it remains, as it has always been, an exceptional nation, unparalleled in its freedom and opportunities.”³⁶ In 2014, while at the Nairobi airport awaiting his flight to the US, Abdi told Leo Hornack, a British writer for the BBC:

33 C. Johnson et al., “Interventions on Rethinking ‘the Border’ in Border Studies,” *Political Geography* 30, no. 2 (2011): 62.

34 Hornack, podcast audio, December 29, 2014.

35 U.S. Department of State: Bureau of Consular Affairs, *Diversity Visa Program Statistics*, “Number of Online Entries Received During Each Registration Period,” accessed June 3, 2016, <https://travel.state.gov/content/visas/en/immigrate/diversity-visa/diversity-visa-program-statistics.html>

36 Nazli Kibria et al. *Race and Immigration*. (Cambridge: Polity Press, 2013), 164.

Now I'm in love with the American culture. I'm in love with the American education. I'm in love with their beautiful roads and streets...I'm in love with the American language—the accent really, the English accent. I'm in love with everything—everything in the United States...³⁷

It makes sense that we would want to put this story on display for ourselves and others. It is the story of a man who—through risk, determination, and luck—found himself in a place so different from where he started out. It is the American Dream; it is a classic that will never be put on the shelf.

The Refugee Who is Not a Refugee

In news coverage and radio interviews, Abdi's story has often been told as one of danger and desperation wherein the Green Card Lottery comes to the rescue. What is not often mentioned is that a system much older than the Green Card Lottery was created to rescue those like Abdi: the system of seeking asylum.

Abdi's story tells us that the global asylum regime may not be working for those who need it the most. Those who are desperately seeking safety are doing so through unconventional means. Abdi escaped death threats in Somalia only to be met with violence from the police in Kenya. It was only as a diversity migrant in the US that he found relative peace. Yet, as a diversity migrant, Abdi is not entitled to any of the rights or resources a refugee in the United States is entitled to. He will not receive counseling for the trauma he lived through or the death that he witnessed first hand.

During his last moments in the Nairobi airport, Abdi described the United States as “a land where every refugee dreams to be to build a new life.”³⁸ Even if the Department of Homeland Security did not formally recognize Abdi as a refugee, he saw himself as one. His attempt to claim asylum in the US was thwarted and his application for a student visa was rejected; yet, his entry in the Green Card Lottery was welcome. He wasn't wanted as a refugee or student, only as a diversity migrant. Although some still claim that the purpose of the Green Card Lottery is to enhance

³⁷ Hornack, podcast audio, December 29, 2014.

³⁸ Hornack, podcast audio, December 29, 2014.

“diversity” in the US, in some cases it has a completely different function overall. The Green Card Lottery is, for many, a way to escape war and violence—in the cruel form of a lottery. With systems like this in place, safety sometimes only comes by luck.

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