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The Diversity Immigrant Visa Program

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SUMMARY

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The Diversity Immigrant Visa Program

The purpose of the diversity immigrant visa program (DV program, sometimes called "the green card lottery" or "the visa lottery") is, as the name suggests, to foster legal immigration from countries other than the major sending countries of current immigrants to the United States. Current law weights the allocation of immigrant visas primarily toward individuals with close family in the United States and, to a lesser extent, toward those who meet particular employment needs. The diversity immigrant category was added to the Immigration and Nationality Act (INA) by the Immigration Act of 1990 (P.L. 101-649) to stimulate "new seed" immigration (i.e., to foster new, more varied migration from other parts of the world).

The DV program currently makes 50,000 visas available annually to natives of countries from which immigrant admissions were less than 50,000 over the preceding five years combined. The formula for allocating these visas is specified in statute: visas are divided among six global geographic regions, and each region and country is identified as either high-admission or low-admission based on how many immigrant visas were given to foreign nationals from each region and country over the previous five-year period. Higher proportions of diversity visas are allocated to low-admission regions and countries. The INA limits each country to 7% (3,500, currently) of the total and provides that Northern Ireland be treated as a separate foreign state.

Because demand for diversity visas greatly exceeds supply, a lottery system is used to select individuals who may apply for them. Those selected by lottery ("lottery winners"), like all other foreign nationals wishing to come to the United States, must undergo reviews performed by Department of State consular officers abroad and Department of Homeland Security immigration officers upon entry to the United States. These reviews are intended to ensure that the foreign nationals are not ineligible for visas or admission to the United States under the grounds for inadmissibility spelled out in the INA. To be eligible for a diversity visa, the INA requires that a foreign national have at least a high school education or the equivalent, or two years' experience in an occupation that requires at least two years of training or experience. The foreign national or the foreign national's spouse must be a native of one of the countries listed as a foreign state qualified for the diversity visa program.

The distribution of diversity visas by global region of origin has shifted over time, with higher shares coming from Africa and Asia in recent years compared to earlier years when Europe accounted for a higher proportion. Of all those admitted through the program from FY1995 (the first year it was in full effect) through FY2017 (the most recent year for which data are available), individuals from Africa accounted for 40% of diversity immigrants, while Europeans accounted for 31% and Asians for 25%.

Some argue that the DV program should be eliminated and its visas re-allocated for employment-based visas or backlog reduction in various visa categories. Critics of the DV program warn that it is vulnerable to fraud and misuse and is potentially an avenue for terrorists to enter the United States, citing the difficulties of performing background checks in many of the countries whose citizens are eligible for a diversity visa. Critics also argue that admitting immigrants on the basis of their nationality is discriminatory and that the reasons for establishing the DV program are no longer germane. Supporters of the program argue that it provides "new seed" immigrants for a system weighted disproportionately to family-based immigrants from a handful of countries. Supporters contend that fraud and abuse have declined following measures put in place by the State Department, and that the system relies on background checks for criminal and national security matters that are performed on all prospective immigrants seeking to come to the United States, including those applying for diversity visas. Supporters also contend that the DV program promotes equity of opportunity and serves important foreign policy goals.

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Background

Family reunification and the admission of immigrants with needed skills are two of the major principles underlying U.S. immigration policy. As a result, current law weights the allocation of immigrant visas heavily toward individuals with close family in the United States and, to a lesser extent, toward individuals who meet particular employment needs. The diversity immigrant category was added to the Immigration and Nationality Act (INA) by the Immigration Act of 1990 (P.L. 101-649) to stimulate "new seed" immigration (i.e., to foster new, more varied migration from other parts of the world).[1] Diversity visas are allocated to natives of countries from which the combination of immediate relatives, family preference, and employment preference immigrant admissions were lower than a total of 50,000 over the preceding five years combined.

Legislative Origins

The Immigration Amendments of 1965 replaced the national origins quota system, which prioritized European source countries, with equally distributed per-country ceilings.[2] In the 1980s, some Members of Congress began expressing concern that U.S. legal immigration admissions were skewed in favor of immigrants from Asia and Latin America because of the 1965 amendments.[3] The first legislative response to this concern occurred in Section 314 of the Immigration Reform and Control Act of 1986 (IRCA), which allowed an extra 5,000 immigrant visas per year for FY1987 and FY1988 to be distributed to natives of 36 countries that had been adversely affected by the 1965 changes to the INA. Over 1 million people applied for what was then called the NP-5 program, and visas were made available according to the chronological order in which qualified applications were mailed to the State Department (DOS). Natives of Ireland received the largest proportion (31%) of the NP-5 visas, followed by natives of Canada (21%) and Great Britain (11%).[4] In 1988, Congress extended the NP-5 program for two more years and made 15,000 additional immigrant visas available each year in FY1989 and FY1990.[5]

What is now known as the diversity immigrant category was added to the INA[6] by P.L. 101-649 and went fully into effect in FY1995. Section 132 of P.L. 101-649 provided 40,000 visas per year for a transitional program during FY1992-FY1994 for certain natives of foreign states that were adversely affected by the 1965 changes to the INA. At least 40% of these visas were earmarked for natives of Ireland. The current diversity visa category had an annual allocation of 55,000 visas when it went into effect in FY1995.

While the diversity visa category has not been directly amended since its enactment, P.L. 105-100, the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA),

[1] §203(c) of INA.

[2] P.L. 89-23679 Stat. 911 (1965).

[3] Legal permanent residents from Ireland, for example, fell from 6,307 in FY1964 to 1,836 in FY1986; see CRS Report 91-141, *A Brief History of U.S. Immigration Policy*, Joyce C. Vialet, January 25, 1991 (archived report, available upon request to congressional clients). For more on the legislative history of the diversity immigrant visa program, see Anna O. Law, "The Diversity Visa Lottery: A Cycle of Unintended Consequences in United States Immigration Policy," *Journal of American Ethnic History*, vol. 21, no. 4 (Summer 2002).

[4] "Irish Biggest Winners in NP-5 Nonpreference Visa Program," *Interpreter Releases*, vol. 64, no. 291 (March 9, 1987).

[5] "State Dept. Advises on New NP-5 Program," *Interpreter Releases*, vol. 65, no. 45 (November 22, 1988).

[6] §203(c) of INA.

temporarily decreased the 55,000 annual ceiling to 50,000. Beginning in FY2000, the 55,000 ceiling has been reduced by 5,000 annually to offset immigrant visas made available to certain unsuccessful asylum seekers from El Salvador, Guatemala, and formerly communist countries in Europe who are being granted immigrant status under special rules established by NACARA. The 5,000 offset is temporary, but it is not clear how many years it will be in effect to handle these adjustments of status.

Eligibility Criteria and Application Process

To be eligible for a diversity visa, the INA requires that a foreign national must have at least a high school education or the equivalent, or two years of experience in an occupation that requires at least two years of training or experience. The applicant or the applicant's spouse must be a native of one of the countries listed as a foreign state qualified for the DV program.[7] Minor children of the qualifying diversity immigrant, as well as the spouse, may accompany as lawful permanent residents (LPRs)[8] and are counted toward the 50,000 annual limit.

Because the demand for diversity visas is much higher than the supply, a lottery is used to randomly select who may apply for one of the 50,000 diversity visas available annually. (See **Figure 1** for an illustration of the process). There is no fee to enter the diversity lottery.[9] Registration for the FY2020 diversity lottery began on October 3, 2018, and closed on November 6, 2018.[10] Beginning on May 7, 2019, and continuing through September 30, 2020, those who registered can use an online system to find out if they had been selected.[11] The FY2018 lottery had 14.7 million entries, representing over 23 million people (including family members). From the millions of entries, approximately 100,000 selectees are randomly chosen.[12] Being chosen as a selectee ("lottery winner") does not guarantee receipt of a diversity visa; rather, it identifies those who are eligible to apply for one. To receive a visa, selectees must successfully complete the application process (including security and medical screenings and in-person interviews) by the end of the fiscal year for which they registered for the lottery or they lose their eligibility.[13]

[7] 8 USC §1153(c) (INA §203(c)). An individual who is not a native of a qualifying country may also qualify for the diversity visa program based on his or her spouse's country of birth or his or her parent's country of birth if neither of the parents were born in or are permanent residents of the applicant's country of birth at the time of the applicant's birth (see "Instructions for the 2020 Diversity Immigration Visa Program," https://travel.state.gov/content/dam/visas/Diversity-Visa/DV-Instructions-Translations/DV-2020-Instructions-Translations/DV-2020-Instructions-English.pdf).

[8] LPRs are foreign nationals who are admitted to the United States on a permanent basis.

[9] On June 5, 2019, the State Department began requiring petitioners to have a valid, unexpired passport in order to enter the lottery; see U.S. Department of State, "Visas: Diversity Immigrants," 84 *Federal Register* 25989, June 5, 2019. Some predict that this new rule will exclude lower-income petitioners or those in more remote areas for whom obtaining a passport may be more difficult. A lawsuit was filed in September claiming that the Trump Administration did not follow the public notice and comment procedures in changing this policy (*E.B. et al. v. U.S. Department of State et al*., case number 1:19-cv-02856, in the U.S. District Court for the District of Columbia).

[10] U.S. Department of State Bureau of Consular Affairs, "Registration for the Diversity Immigrant (DV-2020) Visa Program," 83 *Federal Register* 48499-48507, September 25, 2018. Registration for the FY2021 diversity visa lottery began on October 2, 2019, and is to close on November 5, 2019.

[11] The DOS instructs registrants to log onto "Entrant Status Check" at dvlottery.state.gov to see if they have been selected. Selected entrants are encouraged to complete the online DS-260 application immediately to schedule an interview appointment at the U.S. embassy or consulate. For more information, see https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry.html

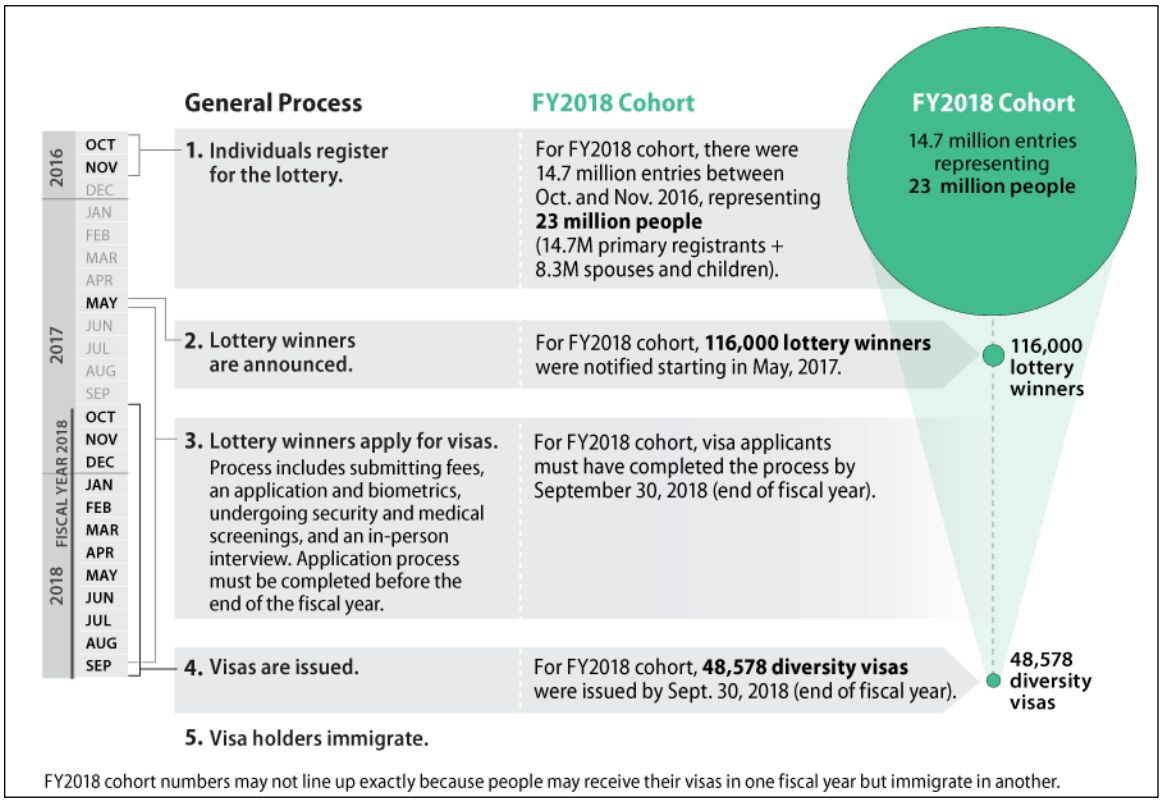
[12] The State Department chooses approximately 100,000 selectees in order to yield 50,000 visas because historically about half of selectees do not successfully complete the visa application process by the deadline.

[13] Such individuals may register for the lottery again in subsequent years.

DV applicants, like all other foreign nationals applying to come to the United States, must pay applicable fees[14] and undergo reviews and biometric background checks performed by DOS consular officers abroad and Department of Homeland Security (DHS) immigration officers upon entry to the United States. Individuals selected for a diversity visa who are residing in the United States as nonimmigrants[15] must undergo reviews by U.S. Citizenship and Immigration Services (USCIS) prior to adjusting to LPR status.[16] These reviews, which include an in-person interview, are intended to ensure that the applicants are not inadmissible under the grounds spelled out in Section 212(a) of the INA. Grounds for inadmissibility include health, criminal history, security and terrorist concerns, public charge, illegal entry, and previous removal.[17]

Figure 1. Diversity Immigrant Visa Program

General Process and FY2018 Cohort Information



Source: CRS illustration based on data from the Department of State's Diversity Visa Selected Entrants, 2018, https://travel.state.gov/content/travel/en/us-visas/immigrate/diversity-visa-program-entry/dv-2018-selected-

[14] Individuals outside the United States must pay $330 to DOS to apply for their visa and $220 to USCIS to receive their LPR status. DV applicants who are already present in the United States on a nonimmigrant visa and do not wish to leave and re-enter the United States using their diversity visa must pay $1,140 (plus an $85 biometrics fee) to USCIS to adjust their status from nonimmigrant to LPR and $330 to DOS for their visa.

[15] Nonimmigrants are foreign nationals who are lawfully admitted to the United States for a designated period of time and a specific purpose. These include students, temporary workers, exchange visitors, and tourists. For more information, see CRS Report R45040, *Immigration: Nonimmigrant (Temporary) Admissions to the United States*.

[16] Each year, a small percentage (2.8%, on average, over the last 10 fiscal years) of DV immigrants adjust status from within the United States.

[17] For more information on inadmissibility, see CRS Report R43892, *Alien Removals and Returns: Overview and Trends*.

entrants.html and from Table III of Report of the Visa Office, 2018, https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2018AnnualReport/FY18AnnualReport%20-%20TableIII.pdf.

Trends in Source Regions and Countries

The diversity immigrant visa program currently makes 50,000 visas available annually to natives of countries from which immigrant admissions were lower than a total of 50,000 over the preceding five years.[18] USCIS implements a formula for allocating visas according to statutory specifications:[19] visas are divided among six global geographic regions, and each region and country is identified as either high admission or low admission based on how many immigrant visas each received over the previous five-year period. Higher proportions of diversity visas are allocated to low-admission regions and low-admission countries. Each country is limited to 7%, or 3,500,[20] of the total, and the INA provides that Northern Ireland be treated as a separate foreign state.[21]

The distribution of diversity visas by global region of origin has shifted over time (see **Figure 2**). From FY1995 through FY2001, foreign nationals from Europe garnered a plurality of diversity visas, ranging from 38% to 47% of the total. In the early 2000s, the share of DV recipients from Africa was on par with those from Europe. Europe's share dropped by nine percentage points from FY2005 to FY2006 as the shares from African and Asian countries continued to increase. Since FY2008, Europe has accounted for smaller shares than Africa or Asia. Latin America (which includes South America, Mexico, Central America, and the Caribbean), Oceania, and North America accounted for less than 8% each year. In total, from FY1995 through FY2017 immigrants from Africa accounted for 40% of diversity immigrants, while Europeans accounted for 31% and Asians for 25%. These trends are consistent with the statutory formula Congress outlined to allocate diversity visas.[22]

Figure 3 presents the countries from which at least 1,000 DV immigrants were admitted in the first five years that the program was in full effect (FY1995-FY1999) and the most recent five years for which data are available (FY2013-FY2017). Early in the program, most of the top countries were in Europe (particularly Eastern Europe) and Africa. In more recent years, there has been a shift toward Africa and Asia. Certain countries—such as Ethiopia, Ukraine, and Egypt—rank high across many years of the program, while others—such as Ireland, Poland, and Venezuela—are limited to particular periods of time. From FY1995-FY2017, natives of six countries received at least 40,000 diversity visas in total: Ethiopia (67,832), Nigeria (58,563), Egypt (56,862), Ukraine (52,654), Albania (47,136), and Bangladesh (40,847).

[18] Only immediate relatives, family-based immigrants, and employment-based immigrants count toward the 50,000 total for the preceding five years.

[19] INA §203(c)(1).

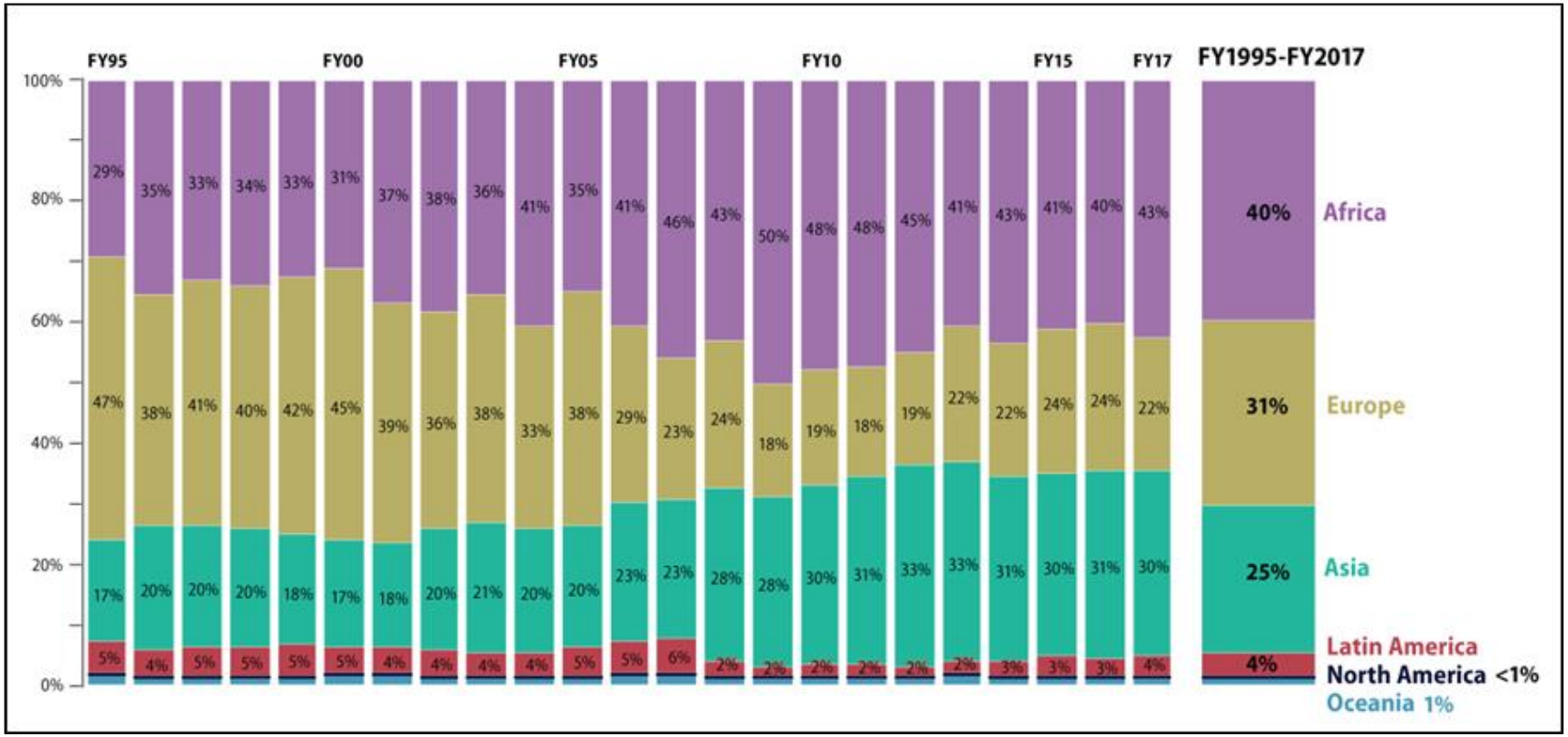
[20] Given the temporary reduction in visas from 55,000 to 50,000, the 7% limit currently yields a maximum of 3,500 rather than 3,850 visas per country.

[21] INA §203(c)(1)(F).

[22] INA §203(c)(1).

Figure 2. World Region of Birth for Diversity Immigrants

FY1995-FY2017

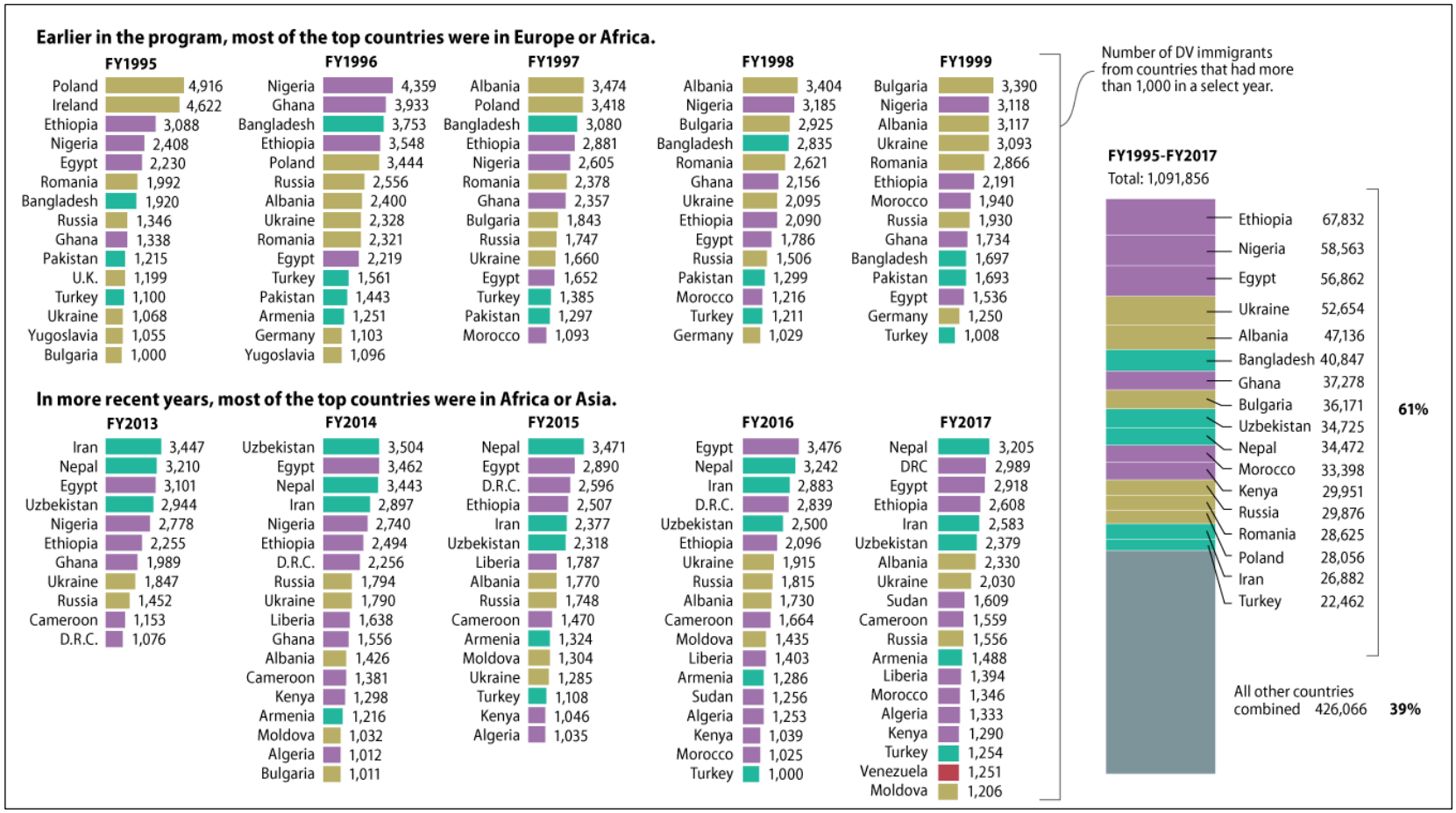


Source: CRS presentation of data based on Table 10 of the *Yearbook of Immigration Statistics*, DHS Office of Immigration Statistics, multiple fiscal years.

Note: CRS definitions of regions are based on diversity visa regions from U.S.C. §1153(c)(1)(F) and thus differ from definitions of regions used in the DHS *Yearbook of Immigration Statistics*.

Figure 3. Top Countries of Birth for Diversity Immigrants

FY1995-FY1999 and FY2013-FY2017



Source: CRS presentation of data based on Table 10 of the *Yearbook of Immigration Statistics*, DHS Office of Immigration Statistics, multiple fiscal years.

Notes: The colors of the bars correlate to the regions depicted in Figure 2 (Purple = Africa; Gold = Europe; Green = Asia).

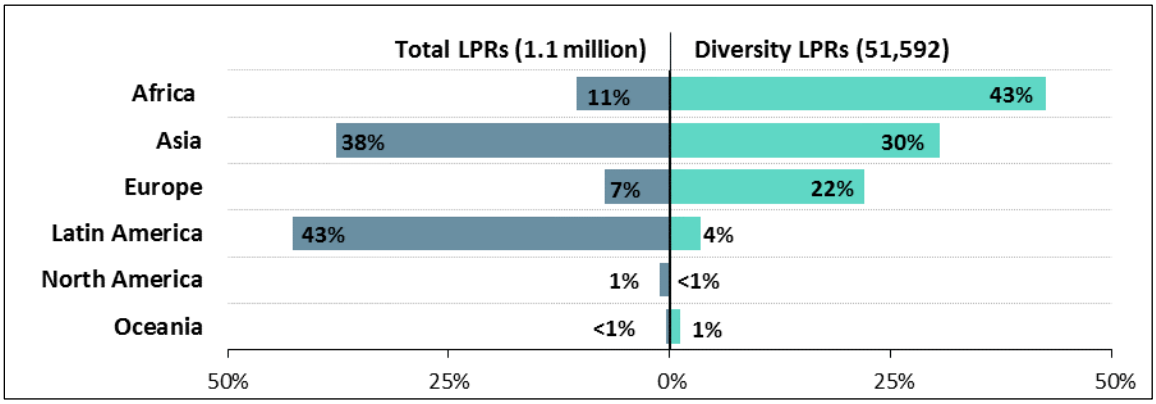
Characteristics of Diversity Immigrants

Regions of Birth

As one would expect, diversity immigrants come from different parts of the world that differ from the leading immigrant-sending regions. Department of Homeland Security data (**Figure 4**) reveal that Africa accounted for 43% of diversity immigrants admitted in FY2017, but 11% of all LPRs admitted that fiscal year. Europeans made up 7% of all LPRs admitted in FY2017, but 22% of diversity immigrants. In contrast, Latin America (Mexico, Central America, the Caribbean, and South America) was the sending region for 43% of all LPRs admitted in FY2017, but provided 4% of the diversity immigrants during that fiscal year. North America (excluding Mexico) and Oceania account for a small percentage of LPRs admitted by any means.

Figure 4. World Region of Birth for LPRs in FY2017

Diversity LPRs Compared with Total LPRs



Source: CRS presentation of data from Department of Homeland Security, Office of Immigration Statistics, *2017 Yearbook of Immigration Statistics*, Table 10.

Notes: In FY2017, 1.1 million LPRs were admitted, of which 51,592 were diversity LPRs. Some LPRs are admitted in a different fiscal year than the fiscal year in which the visa is issued, which explains why there can be more than 50,000 diversity LPRs admitted in a given year. Latin America includes Mexico, Central America, the Caribbean, and South America. North America includes Canada and The Bahamas.

The distribution of LPR admissions and DV admissions from Asia illustrates the impact of the two-step visa allocation formula, which considers both regional and national admissions levels. Asia includes many top-sending countries—such as China, India, and the Philippines—for family- and employment-based LPRs, making it a high-admission region. Yet it also includes low-admission countries—such as Nepal, Iran, and Uzbekistan—that rank high for their number of diversity visas. As a result, as **Figure 4** illustrates, in FY2017 foreign nationals from Asia represented a somewhat more equivalent share of the 1.1 million LPRs (38%) in relation to their share (30%) of diversity LPRs in contrast to the other world regions.

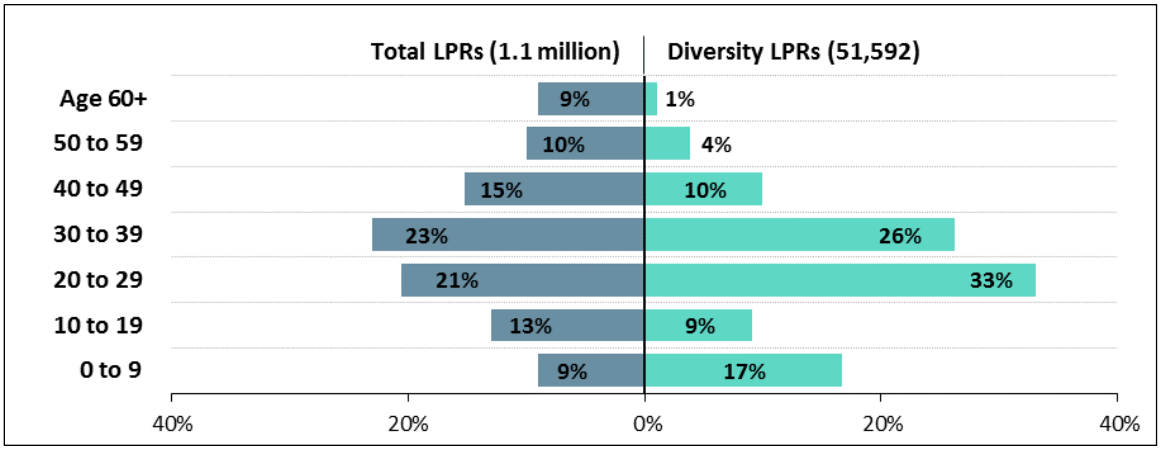
Age and Sex

Diversity immigrants are, on average, younger than other LPRs. Department of Homeland Security data (see **Figure 5**) reveal that DV immigrants are more likely to be working-age adults and their children, and less likely to be over the age of 40 than LPRs overall. Also, the foreign-born population of the United States is more likely to be in the prime working-age group (i.e., ages 25 to 64) than the native-born population, and diversity immigrants have a younger age

distribution than the foreign-born population as a whole.[23] In addition, 56% of diversity immigrants in FY2017 were male compared to 46% of all LPRs.

Figure 5. Age Distribution of LPRs in FY2017

Diversity LPRs Compared with Total LPRs



Source: CRS presentation of data from Department of Homeland Security, Office of Immigration Statistics, *2017 Yearbook of Immigration Statistics*, Table 9.

Notes: In FY2017, 1.1 million LPRs were admitted, of which 51,592 were diversity LPRs. Some LPRs are admitted in a different fiscal year than the fiscal year in which the visa is issued, which explains why there can be more than 50,000 diversity LPRs admitted in a given year.

Marital Status

Diversity immigrants were less likely to be married than LPRs generally (47% versus 58%) in FY2017, perhaps a function of their relative youth. Over half (52%) of diversity immigrants were single, in contrast to 36% of LPRs overall. Few of either group were likely to be widowed, divorced, or separated.

Educational Attainment and Labor Market Characteristics

Recent critics of the diversity immigrant visa have argued against the program on the grounds that individuals do not need high levels of education or work experience to qualify for the DV program and that the U.S. admissions system should prioritize "high-skilled" immigrants.[24] Neither DHS nor DOS publish data on the educational attainment of DV immigrants, but other sources provide some information. According to now-dated data from the New Immigrant Survey,[25] a widely cited, nationally representative, longitudinal study of individuals who obtained

[23] For further analysis of the foreign-born populations, see CRS Report R41592, *The U.S. Foreign-Born Population: Trends and Selected Characteristics*.

[24] Senator Tom Cotton and Senator David Perdue, "Reforming American Immigration for a Strong Economy Act (RAISE Act)," press release, August 2, 2017, https://www.cotton.senate.gov/files/documents/170801_New_RAISE_Act_One_Pager_FINAL.pdf; George J. Borjas, "Why Trump's New Immigration Bill Makes Sense," *Politico Magazine*, August 4, 2017; and RJ Hauman, *S. 1720: The RAISE Act*, Federation for American Immigration Reform, November 15, 2017.

[25] Although data stopped being collected in 2009, the New Immigrant Survey remains the best available source of comparative information on the characteristics of LPRs by admission category. For more information on the New Immigrant Survey, see https://nis.princeton.edu/.

LPR status in 2003, those who entered as principals[26] via the diversity visa category had, on average, 14.5 years of schooling when they entered the United States, which was higher than those who were admitted on family-based visas as spouses or siblings of U.S. citizens (13.0 and 11.5 years, respectively), but lower than those who were admitted as principal employment-based immigrants (15.6 years).[27] Similarly, DV immigrants were more likely to be fluent in English than most family-based immigrants (except for immigrant spouses of native-born U.S. citizens), but less likely than employment-based immigrants to be fluent in English.[28] Using the same data source, the Migration Policy Institute found that 50% of DV immigrants who entered in 2003 had a college degree (32% with a bachelor's and 18% with a graduate degree).[29] It is likely that the educational attainment of recent DV immigrants is higher than it was for those represented in the New Immigrant Survey, given that more recently arrived immigrants have higher levels of education overall than their predecessors.[30]

Government data on other labor market characteristics of DV immigrants are also limited.[31] According to the New Immigrant Survey, DV immigrants who entered in 2003 had higher initial[32] unemployment rates than employment-based immigrants and those who immigrated as spouses of U.S. citizens, but lower unemployment rates than those who immigrated as siblings of U.S. citizens. Four to six years after U.S. entry, however, DV immigrants' unemployment rates had dropped significantly and were similar to those of all other groups except employment-based principals (who had the lowest rates at both initial entry and four to six years later). DV immigrants' hourly earnings were similarly situated between that of employment-based immigrant category (which had the highest earnings) and that of the sibling category (which had the lowest). Among male immigrants earning wages, those who entered on diversity visas had the highest percentage growth in real hourly wages between initial entry and re-sampling four to six years later.[33]

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[26] Principals are foreign nationals who apply for a visa and from whom another foreign national (such as a spouse or child) may derive lawful status under immigration law.

[27] Guillermina Jasso and Mark R. Rosenzweig, "Labor Market Outcomes of Family Migrants in the United States: New Evidence from the New Immigrant Survey," unpublished; presented at the DHS-OECD Conference on Adapting to Changes in Family Migration: The Experience of OECD Countries, Washington, DC, November 2013.

[28] Guillermina Jasso, "Migration and stratification," *Social Science Research*, vol. 40 (2011), pp. 1292-1336.

[29] Julia Gellatt, "The Diversity Visa Program Holds Lessons for Future Legal Immigration Reform," Migration Policy Institute, February 2018.

[30] Jynnah Radford and Jens Manueal Krogstad, "Recently Arrived U.S. Immigrants, Growing in Number, Differ from Long-term Residents," Pew Research Center, June 3, 2019. In addition, using Census Bureau data, the Migration Policy Institute found that among recent arrivals (2012-2016) from 19 countries for which at least 25% of new green-card holders were admitted via diversity visas (from FY2012-FY2016), 50% had a bachelor's degree or higher, compared to 32% of the overall U.S. population in 2016. Julia Gellatt, "The Diversity Visa Program Holds Lessons for Future Legal Immigration Reform," Migration Policy Institute, February 2018.

[31] Although DHS publishes annual data on occupations of DV immigrants (see Table 9 of the *Yearbook of Immigration Statistics*), the data cannot accurately portray the DV immigrant population because there are many missing values, the information is self-reported and difficult to categorize, the information reflects past work history not necessarily occupation in the United States, and the data are published in categories that are too broad to assess educational and occupational attainment.

[32] "Initial" refers to Round 1 of the New Immigrant Survey, in which interviews were conducted approximately four months, on average, after admission to LPR.

[33] Guillermina Jasso and Mark R. Rosenzweig, "Labor Market Outcomes of Family Migrants in the United States: New Evidence from the New Immigrant Survey," unpublished; presented at the DHS-OECD Conference on Adapting to Changes in Family Migration: The Experience of OECD Countries, Washington, DC, November 2013.

Impact of the DV Program on Immigrant Diversity

Given its name and the discourse about "new seed" immigrants that preceded the creation of the diversity visa, the question arises whether the DV program has led to an increase in the diversity of immigrant flows to the United States. Leading up to and since its enactment, some observers have noted that, regardless of its name, the DV program was intended to benefit Irish and Italian constituents who had been negatively affected by the Immigration Act of 1965 that resulted in an increase in immigration from Asia and Latin America.[34] During the transition period after the program was created (FY1992-FY1994), at least 40% of diversity visas were earmarked for Irish immigrants, and 92% of diversity visas in FY1994 went to Europeans. Since its full implementation in FY1995, however, immigrants from a wider range of countries and regions have entered via the program (see "Regions of Birth" above).

The DV program's small size relative to total annual immigrant admissions (DV admissions make up about 5% of annual LPR admissions) limits its impact on the make-up of the immigrant population. Former Representative Bruce Morrison, who helped create the program, stated in a 2005 hearing that it was not Congress's intent to diversify the immigrant flow as a whole ("It could not have possibly done so at the 50,000 number"),[35] but rather to add a new pathway for those who would not be able to enter under the family- or employment-based systems. By that standard, the program arguably fulfills its objectives, having admitted more than 1 million immigrants from under-represented countries since FY1995 (see **Figure 3**).

Another way to assess the program's impact is to analyze the diversity of annual LPR flows before and after the DV program was established. Using a measure of diversity called the entropy index, CRS found that in FY1990, before the DV program was in effect, the diversity of LPR admissions was 0.52.[36] In every year from FY1995 (when the DV program went into full effect) through FY2017 (the most recent data available), the diversity of annual LPR admissions was higher than in 1990, ranging from 0.67 to 0.72. In each of those years, the diversity of LPR admissions *not including* the DV admissions was lower than it was with DV admissions included (see the **Appendix**), indicating that the admission of DV immigrants does increase the diversity of annual LPR admissions.

A full analysis of the impacts of the DV program on admission numbers would also take into account individuals whom DV immigrants subsequently sponsor through the family-based admissions system. Because administrative data on immigrant admissions do not specify these linkages, this type of direct analysis is not currently possible. However, admissions data suggest that, at least for Africans, the DV has led to an increase in immigration via the family-based system (particularly immediate relatives).[37] From 1992 to 2007, admissions of Africans based on

[34] See, for example, Anna O. Law, "The Diversity Visa Lottery: A Cycle of Unintended Consequences in United States Immigration Policy," *Journal of American Ethnic History*, vol. 21, no. 4 (Summer 2002), pp. 3-29; Walter P. Jacob, "Diversity Visas: Muddled Thinking and Pork Barrel Politics," *Georgetown Immigration Law Journal*, vol. 6, no. 297 (1992), pp. 297-343; Frank H. Retman, "Diversity and Transition Programs Under the Immigration Act of 1990," in *Understanding the Immigration Act of 1990*, American Immigration Lawyers Association Washington, DC, 1991, pp. 117-125; and Charles Gordon, Stanley Mailman, and Stephen Yale-Loehr, *Immigration Law and Procedure* §§ 40.01 to 40.04, revised annually.

[35] Testimony of Bruce A. Morrison, House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, *Diversity Visa Program*, 109th Cong., 1st sess., June 15, 2005, H.Hrg. 109-49 (Washington: GPO, 2005), p. 5.

[36] The entropy index (also called the Shannon index) is at its maximum when all groups are present in equal proportions, in which case the index is equal to one. See **Appendix** for details.

[37] Kevin J. A. Thomas, "What Explains the Increasing Trend in African Emigration to the U.S.?," *International*

family sponsorship grew faster than other categories of admissions for Africans, including diversity, which remained fairly stable over the time period.[38] The DV seems to have diversified the African flow itself by boosting emigration from non-English speaking African countries (whereas English-speaking African countries have longer histories of U.S. immigration and are therefore more likely to be the source of sponsoring immigrant family members).[39]

Selected Legislative Action

Legislation related to the Diversity Immigrant Visa has focused largely on eliminating the program. Bills to eliminate the diversity visa category have been introduced in nearly every Congress since the program was created and have passed one chamber on more than one occasion. Most recently, S. 744 in the 113th Congress, a comprehensive immigration reform bill that the Senate passed in 2013 by a vote of 68 to 32, would have eliminated the program.[40] Other bills introduced in the past would have raised the annual limit of diversity visas or temporarily re-allocated diversity visas for other purposes. In the 116th Congress, several bills to eliminate the DV program have been introduced, including H.R. 479, H.R. 2278, S. 1103, and S. 1632. In contrast, H.R. 3799 would raise the annual diversity visa allocation to 80,000.

Selected Policy Questions

As Congress weighs whether to eliminate or revise the diversity visa category, it may want to consider various policy questions pertinent to this discussion.[41]

Is it fair to have the diversity visa category when there are family members and prospective employees who have been waiting for years for visas to become available?

Given the 3.7 million approved family-based and employment-based petitions waiting for a visa to become available at the close of FY2018,[42] some argue that the 50,000 diversity visas should be used for backlog reduction in these visa categories.[43] Others might observe that the family-

Migration Review, vol. 45, no. 1 (Spring 2011).

[38] Ibid.

[39] Ibid.

[40] One of the bill's merit-based point systems included points (5 out of 100) for country of origin diversity. For more information on S. 744, see archived CRS Report R43097, *Comprehensive Immigration Reform in the 113th Congress: Major Provisions in Senate-Passed S. 744*.

[41] Despite recent debate about the DV program, no hearings have been held on this topic since 2011. Thus, many of the citations in this section come from hearings held in 2004, 2005, and 2011.

[42] U.S. Department of State, Annual Report of Immigrant Visa Applicants in the Family-sponsored and Employment-based preferences Registered at the National Visa Center as of November 1, 2018. These data do not include nationals already present in the United States with approved employment-based immigrant petitions who have not yet adjusted status. USCIS reported that figure to be 395,025 as of April 20, 2018. For more information on the visa queue, see CRS Report R45447, *Permanent Employment-Based Immigration and the Per-country Ceiling*.

[43] Testimony of Representative Bob Goodlatte, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011); and testimony of Jan Ting, Professor of Law, Temple University, House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, *Diversity Visa Program and Its Susceptibility to Fraud and Abuse*, 108th Cong., 2nd sess., April 29, 2004, H.Hrg. 108-82 (Washington: GPO, 2004).

based, employment-based, and diversity visa categories are statutorily designed as independent pathways to LPR status and that the problems of the family-based and employment-based backlogs should be addressed separately.[44] Some also argue that the DV program *increases* fairness in the immigration system by making visas available to individuals who would not otherwise have a chance of obtaining one[45] and by discouraging illegal immigration through expanding access to the legal immigration system.[46]

Should the United States base admissions decisions on nationality?

Some argue that the diversity visa program reverts to discriminatory national origin quotas, which Congress eliminated through the 1965 amendments to the Immigration and Nationality Act.[47] However, there are other examples of admissions policies that effectively discriminate based on nationality (e.g., H-2A,[48] H-2B,[49] E,[50] and TN[51] nonimmigrant visas, the Visa Waiver Program,[52] and the per country caps[53] on family- and employment-based LPR admissions, all of which limit admissions by nationality). Some also argue that admissions decisions should be based on higher

[44] For more information on family-based and employment-based immigration, see CRS Report R42866, *Permanent Legal Immigration to the United States: Policy Overview*. For information on visa wait times in the employment-based system and efforts to reduce them, see CRS Report R45447, *Permanent Employment-Based Immigration and the Per-country Ceiling*.

[45] Testimony of Representative Zoe Lofgren, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011); testimony of Representative John Conyers, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011);and testimony of Ambassador Johnny Young, Executive Director, U.S. Conference of Catholic Bishops, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011).

[46] Testimony of Ambassador Johnny Young, Executive Director, U.S. Conference of Catholic Bishops, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011); and testimony of Senator Charles Schumer, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011).

[47] Stephen H. Legomsky, "Immigration, Equality and Diversity," *Columbia Journal of Transnational Law*, vol. 31, no. 2 (1993); testimony of Mark Krikorian, Executive Director, Center for Immigration Studies, House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, *Diversity Visa Program*, 109th Cong., 1st sess., June 15, 2005, H. Hrg. 109-49;testimony of Rosemary Jenks, Director of Government Relations, NumbersUSA, House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, *Diversity Visa Program*, 109th Cong., 1st sess., June 15, 2005, H. Hrg. 109-49; testimony of Jan Ting, Professor of Law, Temple University, House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, *Diversity Visa Program and Its Susceptibility to Fraud and Abuse*, 108th Cong., 2nd sess., April 29, 2004, H.Hrg. 108-82 (Washington: GPO, 2004); and Walter P. Jacob, "Diversity Visas: Muddled Thinking and Pork Barrel Politics," *Georgetown Immigration Law Journal*, vol. 6, (1992), pp. 297-343.

[48] For more information, see CRS Report R44849, *H-2A and H-2B Temporary Worker Visas: Policy and Related Issues*.

[49] Ibid.

[50] For more information, see CRS Report R45040, *Immigration: Nonimmigrant (Temporary) Admissions to the United States*.

[51] Ibid.

[52] For more information, see CRS Report RL32221, *Visa Waiver Program*.

[53] For more information, see CRS Report R45447, *Permanent Employment-Based Immigration and the Per-country Ceiling*.

levels of education, job experience, and language skills, or family ties to U.S. residents, rather than country of origin and being selected at random via a lottery.[54]

In contrast, others argue that the program bolsters equity of opportunity—a quintessential American value—by providing a pathway for individuals—particularly those from Africa, Eastern Europe, and the former Soviet Union—who do not have family or employer connections in the United States.[55] Some also argue that the more than one million immigrants who have moved to the United States as a result of the program have enriched the United States culturally and economically, and strengthened the nation's global connections.[56] Some also argue that efforts to end it are racially motivated[57] or point out that for most of U.S. history, Africans in particular had little opportunity to come to the United States other than as slaves.[58]

Is a lottery the best way to choose applicants for diversity visas?

Some equate the use of a lottery system in the DV program to awarding "green cards" at random and argue that luck should not come into play in U.S. admissions decisions.[59] Others argue that, given the millions of interested applicants every year, a lottery is a fair method of reducing the applicant pool because it gives all entrants who meet the program's qualifications an equal chance

[54] Testimony of Representative Bob Goodlatte, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011).

[55] Testimony of Bruce A. Morrison, House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, *Diversity Visa Program*, 109th Cong., 1st sess., June 15, 2005, H.Hrg. 109-49 (Washington: GPO, 2005). Testimony of Representative John Conyers, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011). In addition, the House Judiciary Committee Report on H.R. 4300, which led to the enactment of the DV program, stated "The Committee is convinced that in order to correct ongoing inequities in current law, changes must be made to further enhance and promote diversity within the present system." U.S. Congress, House Committee on the Judiciary, *Family Unity and Employment Opportunity Immigration Act of 1990*, 101st Cong., 2nd sess., September 19, 1990, H. Rept. 101-723 (Washington: GPO, 1990), p. 48.

[56] Patrick Kennedy, "The Labor Economics Case for the Diversity Visa Lottery," *Stanford Law Review*, vol. 71 (October 2018), https://www.stanfordlawreview.org/online/the-labor-economics-case-for-the-diversity-visa-lottery/; Jeremy L. Neufeld, *The Diversity Visa: Part of a Merit-Based Immigration System*, Niskanen Center, Washington, DC, October 2018, https://niskanencenter.org/wp-content/uploads/2018/10/Diversity-Visa-and-Skills.pdf; Arun Peter Lobo, *U.S. Diversity Visas are Attracting Africa's Best and Brightest*, Population Reference Bureau, July 2001, https://www.prb.org/usdiversityvisasareattractingafricasbestandbrightest/; Laura D. Francis, "Diversity Visas are a Trump Target, and That Could Hurt Employers," *Bloomberg Law*, November 14, 2018, https://news.bloomberglaw.com/daily-labor-report/diversity-visas-are-a-trump-target-and-that-could-hurt-employers-corrected; Testimony of Representative Zoe Lofgren, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011); Testimony of Ambassador Johnny Young, Executive Director, U.S. Conference of Catholic Bishops, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011).

[57] Rafael Bernal, "Five things to know about the diversity visa lottery," *The Hill*, November 1, 2017. Testimony of Representative John Conyers, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011).

[58] Andowah A. Newton, "Injecting Diversity into U.S. Immigration Policy: The Diversity Visa Program and the Missing Discourse on Its Impact on African Immigration to the United States," *Cornell International Law Journal*, vol. 38, no. 3 (2005); Testimony of Bruce A. Morrison, House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, *Diversity Visa Program*, 109th Cong., 1st sess., June 15, 2005, H.Hrg. 109-49 (Washington: GPO, 2005).

[59] Testimony of Representative Bob Goodlatte, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011).

to apply for a diversity visa. They also cite the use of a lottery in other over-subscribed visa categories such as the H-1B and H-2B temporary worker classifications to illustrate that U.S. immigration policy considers it a reasonable tool.[60]

Is the diversity visa lottery more vulnerable to fraud and misuse than other immigration pathways?

Some observers concerned about immigration fraud surrounding the DV program reference a 2003 State Department Office of Inspector General report and a 2007 GAO report which found fraud vulnerabilities in the DV program.[61] They may also cite the 2017 and 2018 complaints filed by the Department of Justice (DOJ) in two cases seeking the denaturalization of individuals who had gained admission (in 1997 and 2001) to the United States through the DV program. In the first case, DOJ filed a complaint to denaturalize four Somali-born diversity visa recipients who falsely claimed to be a family.[62] In the second case, DOJ filed a complaint to denaturalize a diversity visa recipient who obtained naturalization without having disclosed two prior orders of removal.[63]

Those defending the fraud protections of the DV program counter that DOS has since revised the diversity lottery procedures to address fraud vulnerabilities,[64] including a requirement to submit a recent photograph, the addition of biographic and facial recognition checks to reduce duplicate entries, a policy requiring the disqualification of entrants who fail to list their spouse and children on their entries, and technical improvements to limit manipulation of entries by automated bots.[65] They also argue that the risk of fraud is not unique to the DV program and refer to the numerous fraud investigations and arrests of immigrants who entered the United States via other visa categories[66] and the significant resources that DOS commits to fraud prevention for all immigrant

[60] For information on the H-1B visa program, see CRS Report R43735, *Temporary Professional, Managerial, and Skilled Foreign Workers: Policy and Trends*. For information on the H-2B visa program, see CRS Report R44849, *H-2A and H-2B Temporary Worker Visas: Policy and Related Issues*.

[61] U.S. Department of State, Office of Inspector General, *Memorandum Inspection Report: Diversity Visa Program*, ISP-CA-03-52, September 2003; U.S. Government Accountability Office, *Fraud Risks Complicate State's Ability to Manage Diversity Visa Program*, GAO-07-1174, September 2007, https://www.gao.gov/products/GAO-07-1174.

[62] U.S. Department of Justice, "Denaturalization Sought Against Four Somalia-Born Individuals Who Falsely Claimed to be a Family and Were Admitted to the United States on Diversity Immigrant Visas," press release, November 6, 2017 https://www.justice.gov/opa/pr/denaturalization-sought-against-four-somalia-born-individuals-who-falsely-claimed-be-family.

[63] U.S. Department of Justice, "Department of Justice Files Complaint to Denaturalize Diversity Visa Recipient Who Obtained Naturalized Citizenship After Failing to Disclose Two Prior Orders of Removal," press release, February 15, 2018 https://www.justice.gov/opa/pr/department-justice-files-complaint-denaturalize-diversity-visa-recipient-who-obtained.

[64] U.S. Department of State, "Fraud Warning, Diversity Visa, Program Scammers Sending Fraudulent Emails and Letters," https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/fraud.html.

[65] U.S. Department of State letter to the Chairman of the Committee on the Judiciary, Charles E. Grassley, December 15, 2017, https://www.judiciary.senate.gov/imo/media/doc/2017-12-19%20State%20Dept.%20to%20CEG%20-%20Diversity%20Visa%20Program.pdf.

[66] The Department of State's response to the 2007 GAO report on the diversity visa program stated, "It is a sad reality that **all** visa categories encounter sham marriages, suspect identities, fraudulent documents, use of agents, and unlikely stories." U.S. Department of State, *Comments on GAO Draft Report, 'Border Security: Fraud Risks Complicate State's Ability to Manage Diversity Visa Program*,' September 10, 2007, p. 1. USCIS maintains a website for the public to report immigration fraud, with specific sections for fraud related to marriage, asylum, and the H-1B, H-2B, and EB-5 programs: https://www.uscis.gov/report-fraud. For recent examples, see U.S. Immigration and Customs Enforcement, "Nearly 100 people indicted, 50 currently in custody in massive Houston-based marriage fraud conspiracy," press

and nonimmigrant visa applications through its Fraud Prevention Units at posts overseas.[67] In addition, on June 5, 2019, DOS published an interim final rule to require diversity visa entrants to provide certain information from a valid, unexpired passport on the electronic entry form.[68] This rule is intended to make it more difficult for third parties to submit unauthorized entries, because third parties are less likely to have individuals' passport numbers.[69]

Are there national security reasons to eliminate the diversity visa?

Some assert that the difficulties of performing background checks in many of the countries whose natives currently qualify for the DV program, as well as broader concerns about terrorism, justify the elimination of the category.[70] Some cite the 2004 warning of the DOS Deputy Inspector General that the diversity visa lottery "contains significant vulnerabilities to national security" from state sponsors of terrorism.[71] They argue that DV immigrants, by definition, are not required to have employer or family ties in the United States and thus may be more likely to have nefarious intent.[72] They cite the case of a New Jersey resident responsible for killing eight people with his rental truck in lower Manhattan in 2017, who had immigrated to the United States from Uzbekistan on a diversity visa.[73] In response to that event, the Trump Administration called on Congress to immediately terminate the diversity visa lottery program.[74]

Others respond that immigrants coming to the United States in other immigrant visa categories are not restricted if they come from these same countries, and further argue that background checks for national security risks are performed on all prospective immigrants seeking to come to

release, May 13, 2019; U.S. Government Accountability Office, *Student and Exchange Visitor Program: DHS Can Take Additional Steps to Manage Fraud Risks Related to School Recertification and Program Oversight*, GAO-19-297, March 18, 2019, https://www.gao.gov/products/GAO-19-297; U.S. Government Accountability Office, *Immigrant Investor Program: Progress Made to Detect and Prevent Fraud, but Additional Actions Could Further Agency Efforts*, GAO-16-828, September 13, 2016; U.S. Department of Justice, "International Employee Recruiter Sentenced to Two Years in Prison for Visa Fraud," July 2, 2014; and U.S. Government Accountability Office, *H-2B Visa Program: Closed Civil Criminal Cases Illustrate Instances of H-2B Workers Being Targets of Fraud and Abuse*, GAO-10-1053, September 30, 2010.

[67] U.S. Department of State letter to the Chairman of the Committee on the Judiciary, Charles E. Grassley, December 15, 2017, https://www.judiciary.senate.gov/imo/media/doc/2017-12-19%20State%20Dept.%20to%20CEG%20-%20Diversity%20Visa%20Program.pdf.

[68] U.S. Department of State, Visas, Diversity Immigrants: Interim Final Rule, 84 *Federal Register* 25989, (June 5, 2019), https://www.federalregister.gov/documents/2019/06/05/2019-11762/visas-diversity-immigrants.

[69] Ibid. at 25990, "Why is the Department promulgating this rule?" Some argue that this new rule's effect will be to limit lottery entries from low-income individuals and those who live in remote areas or who otherwise have difficulty obtaining a passport.

[70] Testimony of Janice L. Kephart, Center for Immigration Studies, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011).

[71] U.S. Congress, House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, *The Diversity Visa Program, and Its Susceptibility to Fraud and Abuse*, 108th Cong., 2nd sess., April 29, 2004.

[72] Testimony of Janice L. Kephart, Center for Immigration Studies, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011).

[73] Benjamin Mueller, William K. Rashburn, Al Baker, "Terror Attack Kills 8 and Injures 11 in Manhattan," The New York Times, https://www.nytimes.com/2017/10/31/nyregion/police-shooting-lower-manhattan.html; U.S. Congress, Senate Judiciary Committee, "Grassley Seeks Details on NYC Attacker," press release, November 1, 2017, https://www.grassley.senate.gov/news/news-releases/grassley-seeks-details-nyc-attacker.

[74] The White House, "National Security Threats—Chain Migration and the Visa Lottery System," February 1, 2018, https://www.whitehouse.gov/articles/national-security-threats-chain-migration-visa-lottery-system/.

the United States. They also point to the 2005 DOS Inspector General's testimony that DOS's Bureau of Consular Affairs strengthened the DV program by complying with most of the recommendations in the OIG's 2003 report.[75] They similarly note the testimony of one of the creators of the DV Program who contended that "it is absurd to think that a lottery would be the vehicle of choice for terrorists" and that attention should instead be focused on greater security risks.[76] They also point out that since the creation of the Visa Security Program in 2003, DHS has aided consular officers in extensively vetting individuals applying for visas.[77] They also reference a 2007 GAO report stating: "We found no documented evidence that DV immigrants from these, or other, countries posed a terrorist or other threat. However, experts familiar with immigration fraud believe that some individuals, including terrorists and criminals, could use fraudulent means to enter or remain in the United States."[78]

Are there foreign policy reasons to continue the diversity visa program?

Citing the millions of diversity visa lottery entries every year from around the world, some argue that the DV program is an efficient means of boosting American goodwill and "soft power" abroad, and that a diversity of immigrant origins helps the United States better respond to the challenges of globalization.[79] Some also cite the value of remittances sent by diversity immigrants to their countries of origin as international development assistance without U.S. government expense.[80] Others argue that the DV program encourages "brain drain" from developing

[75] Testimony of DOS Inspector General Howard J. Krongard, House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, *Diversity Visa Program*, 109th Cong., 1st sess., June 15, 2005, H. Hrg. 109-49 (Washington: GPO, 2005).

[76] Testimony of Bruce A. Morrison, House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, *Diversity Visa Program*, 109th Cong., 1st sess., June 15, 2005, H.Hrg. 109-49 (Washington: GPO, 2005).

[77] Through the Visa Security Program, special agents from ICE's Homeland Security Investigations are assigned to diplomatic posts worldwide to conduct law enforcement visa security activities. For more information, see U.S. Immigration and Customs Enforcement, *Visa Security Program*, https://www.ice.gov/visa-security-program#

[78] U.S. Government Accountability Office, *Border Security: Fraud Risks Complicate State's Ability to Manage Diversity Visa Program*, GAO-07-1174, September 21, 2007, Highlights.

[79] Carly Goodman and Charles Piot, "Diversity visa lottery doesn't make us less safe, but ending it might," *The Hill*, November 29, 2017; Klara Bilgin, "It is called hope! Why we should keep the U.S. diversity immigrant visa program," *International Policy Digest*, November 6, 2017; Onoso Imoagene, "Affecting Lives: How Winning the U.S. Diversity Visa Lottery Impacts DV Migrants Pre- and Post-Migration," *International Migration*, vol. 55, no. 6 (2017), pp. 170-183; Testimony of Representative John Conyers, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011); Testimony of Ambassador Johnny Young, Executive Director, U.S. Conference of Catholic Bishops, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011). "Dissenting Views," U.S. Congress, House Committee on the Judiciary, *SAFE for America Act*, Report to accompany H.R. 704, 112th Cong., 1st sess., November 10, 2011, H.Rept. 112-275 (Washington: GPO, 2011); Testimony of Bruce A. Morrison, House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, *Diversity Visa Program*, 109th Cong., 1st sess., June 15, 2005, H.Hrg. 109-49 (Washington: GPO, 2005).

[80] B. Ikubolajeh Logan and Kevin J.A. Thomas, "The U.S. Diversity Visa Programme and the Transfer of Skills from Africa," *International Migration*, vol. 50, no. 2 (2012); John Gibson and David McKenzie, "The Economic Consequences of 'Brain Drain' of the Best and Brightest: Microeconomic Evidence from Five Countries," *The Economic Journal*, vol. 122, no. 560 (May 2015).

countries, a concern which acknowledges that many DV immigrants—particularly from Africa—possess education and skills beyond the minimum requirements for program eligibility.[81]

Are the reasons that led to establishment of the diversity visa (e.g., to stimulate "new seed" immigration) still germane?

Supporters of the DV program argue that it honors the United States' history as a destination for enterprising immigrants—the "self-selected strivers"[82]—who arrive without family ties but with a desire to work hard for a better life.[83] Some point to the present-day preponderance of immigrants from a handful of countries and argue that the diversity visa fosters new and more varied migration to counterbalance an admissions system weighted disproportionately to family-based immigration, which tends to perpetuate the dominance of certain countries. They also point to wide support for legislation that would remove or raise the 7% per-country limits on family- and employment-based immigrant admissions,[84] which would likely result in further concentration of immigrant flows from the top sending countries.[85] Even with the per-country limits and DV program in place, the total foreign-born population has become more concentrated in the top ten source countries compared to 1990[86] (see "Impact of the DV Program on Immigrant Diversity"). Others argue that, after almost 30 years, the diversity visa category has run its course.[87] They might cite the countries—such as Pakistan, Brazil, Nigeria, and Bangladesh—that formerly qualified for the DV program and no longer do due to their increase in admissions, or the growth

[81] Onoso Imoagene, "Affecting Lives: How Winning the U.S. Diversity Visa Lottery Impacts DV Migrants Pre- and Post-Migration," *International Migration*, vol. 55, no. 6 (2017), pp. 170-183; B. Ikubolajeh Logan and Kevin J.A. Thomas, "The U.S. Diversity Visa Programme and the Transfer of Skills from Africa," *International Migration*, vol. 50, no. 2 (2012); Arun Peter Lobo, "Unintended Consequences: Liberalized U.S. Immigration Law and the African Brain Drain," in *The New African Diaspora in North America: Trends, Community Building, and Adaptation*, ed. Kwado Konadu-Agyemang, Baffour K. Takyi, and John Arthur (New York: Lexington Books, 2006), pp. 189-208.

[82] Testimony of Bruce A. Morrison, House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, *Diversity Visa Program*, 109th Cong., 1st sess., June 15, 2005, H.Hrg. 109-49 (Washington: GPO, 2005).

[83] Testimony of John P. Collins, National Chairman of the American Irish National Immigration Committee, House Committee on the Judiciary, Subcommittee No. 1, *The Effect of the Act of October 3, 1965, on Immigration from Ireland and Northern Europe*, 91st Cong., 1st sess., December 10, 1969, H. Hrg. 91-28 (Washington: GPO, 1970).

[84] On July 10, 2019, H.R. 1044, the Fairness for High-Skilled Immigrants Act, passed the House by a vote of 365-65. It would remove the 7% per country limit for employment-based immigrant visas and raise the per-country limit to 15% for family-based immigrant visas.

[85] For more information on the 7% per-country caps, see CRS Report R42866, *Permanent Legal Immigration to the United States: Policy Overview*.

[86] In 1990, 52.2% of foreign-born individuals were born in the top ten countries of origin for the U.S. foreign-born population; in 2017, that number was 57.4%. At the same time, a higher proportion of the foreign born are concentrated in the bottom ten source countries (0.42% in 2017 compared to 0.21% in 1990). These statistics have been used to argue both for and against keeping the DV program in place. Those who support the DV program argue that without it, the foreign-born population would be dominated to an even greater extent by the high-admission countries. Those against it argue that the increased concentration at the top shows that the DV program does not actually diversify the foreign-born population and therefore should be eliminated, but this argument does not take into account what would have happened if the DV program had not been in place. See "Impact of the DV Program on Immigrant Diversity" above.

[87] Institute of the Electrical and Electronic Engineers, *Promoting Diversity through the STEM Visa: A White Paper on High-Skill Immigration Reform*, 2012, https://ieeeusa.org/wp-content/uploads/2017/07/IEEEUSAWP-DiversityVisa2012.pdf; and Laura D. Francis, "Diversity Visas are a Trump Target, and That Could Hurt Employers," *Bloomberg Law*, November 14, 2018, https://news.bloomberglaw.com/daily-labor-report/diversity-visas-are-a-trump-target-and-that-could-hurt-employers-corrected.

in immigration from Africa, Eastern Europe, and parts of Asia as an indication that the need for "new seed" immigration has been met.[88] Others counter that these trends indicate that the program is meeting its goals and should be continued. They further argue that in many countries around the world, the diversity visa remains the only accessible avenue for immigrating to the United States.[89]

[88] Ibid.

[89] Testimony of Representative John Conyers, House Committee on the Judiciary, Subcommittee on Immigration Policy and Enforcement, *SAFE for America Act*, 112th Cong., 1st sess., April 5, 2011, H. Hrg. 112-27 (Washington: GPO, 2011); and testimony of Bruce A. Morrison, House Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, *Diversity Visa Program*, 109th Cong., 1st sess., June 15, 2005, H.Hrg. 109-49 (Washington: GPO, 2005).

Appendix. Entropy Index Methodology and Results

The entropy index (also called the Shannon index)[90] is a measure of the diversity of a population. Diversity can be defined as the "relative heterogeneity of a population."[91] It is at its maximum when all subpopulations are present in equal proportions (for the purposes of this report, when each country of birth receives an equal number of LPR admissions). The formula for the entropy index is

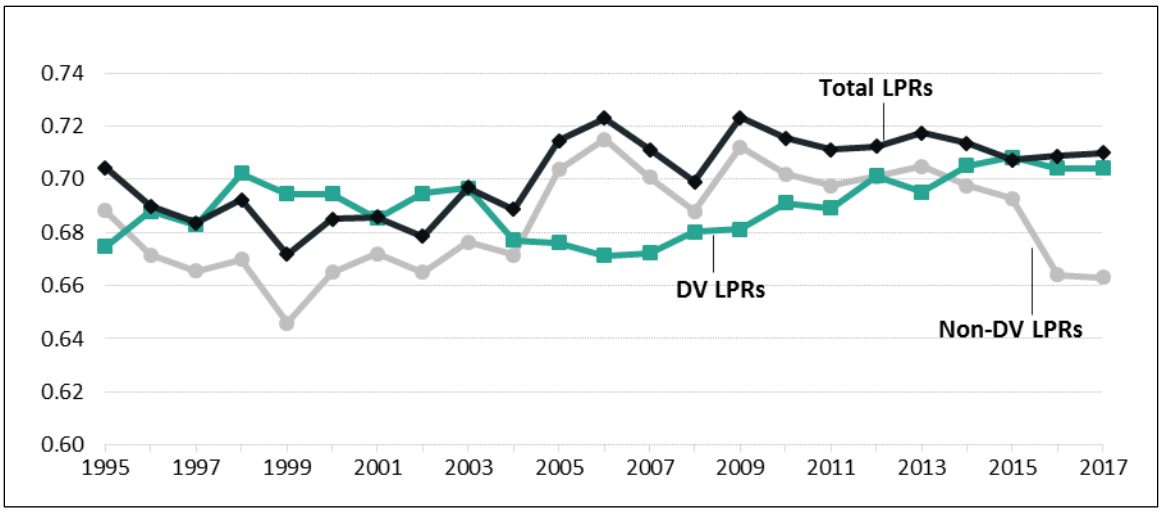
$$\mathrm{H} = -\sum_{k=1}^{K} P_k \, log P_k$$

where H is the entropy index, *k* is the country-of-origin group, and *P* is the proportion of the total from each country-of-origin group. The index can be standardized by dividing by its maximum, log K. Doing so results in a range of 0 (for the case where all of the population is in one subpopulation) to 1.0 (for the case where all subpopulations are present in equal proportions).

For this report, the standardized entropy index was calculated by year for country of birth of total LPR admissions, LPR admissions minus DV admissions, and DV admissions. This was calculated after creating a standardized list of countries across all years so that K was held constant. As shown in **Figure A-1**, between FY1995 and FY2017, the entropy index varied, but in all years the index was higher when DV LPRs were included.

Figure A-1. Entropy Index (Standardized) by LPR Type

FY1995-FY2017



Source: CRS calculations of LPR admissions data from DHS *Yearbook of Immigration Statistics*, Table 10, various years.

[90] The entropy index used in this report is explained in greater detail in Michael J. White, "Segregation and Diversity Measures in Population Distribution," *Population Index*, vol. 52, no. 2 (Summer 1986).

[91] Ibid, p. 199.

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