



# Visa Ramblings

WINTER 2008

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Issue 6

## Two Tunisian Natives Charged In Sham-marriage Case

### NORFOLK

The owner of a Virginia Beach Italian restaurant and his nephew, both Tunisian natives, are scheduled to be arraigned this morning on a federal indictment charging them with arranging a phony marriage so the nephew could remain in the country legally.

According to the indictment, Riadh Hamza Saddam, 23, has been in the country illegally since 2001 and sought to remain by marrying a U.S. citizen.

Saddem was assisted, the indictment says, by his uncle, Mahmoud Saddam, owner of La Casa Del Pasta e Pani,

at 485 S. Independence Blvd.

A trial date will be set this morning at the arraignment in U.S. District Court. The two men face charges of conspiracy, marriage fraud, making false statements to immigration officials and witness tampering.

They were arrested Friday on a sealed indictment. The 53-year-old Saddam, a naturalized U.S. citizen, was released that day on a \$10,000 bond.

In federal court Tuesday, Saddam waived a bond hearing and will remain in jail before trial. He's also facing deportation proceedings.

Reached at his restaurant Tuesday, Saddam, the uncle, declined to comment and referred questions to his attorney. The attorney did not return a phone message. Saddam has lived in the United States since at least 1990 and has been working at restaurants in the region for at least 15 years, according to pub-

lic records and restaurant reviews. His nephew arrived from Tunisia, a North African nation, in 2001 on a three-month student visa and has been here illegally since the visa expired, the indictment says.

The federal government has been cracking down on marriage fraud in recent years. More than 50 people have been arrested locally, most on charges of arranging phony marriages between Navy sailors and Eastern European women. This recent case does not involve sailors. Saddam and Saddem initially offered a woman \$20,000 to marry Saddam, according to the indictment. When she refused, they turned to her sister, offering her a house, a car and a job in return for the marriage and participating in interviews with immigration officials, the indictment says. Neither woman was identified in the indictment.

Saddam encouraged the couple to get a ring, take

plenty of photographs of the ceremony and have a party afterward, the indictment says.



The couple married at Virginia Beach Circuit Court in September 2007, the indictment says. Four days later the bride moved to Tennessee to live with her boyfriend. She returned and began working in a topless bar as a waitress but moved back to Tennessee that November. The indictment says she received about \$600 for the marriage but none of the other promised items.

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# High Rate of H-1B Visa Fraud

**A study finds that 13% of the visa petitions for U.S. employers to bring in skilled foreign workers are fraudulent.**

By [Moira Herbst](#)

A report released Oct. 8 by the U.S. Citizenship & Immigration Services (USCIS) reveals that 13% of petitions filed for H-1B visas on behalf of employers are fraudulent. Another 7% contain some sort of technical violations.

The study, released to members of the U.S. Senate Judiciary Committee, marks the first time the agency, part of the Homeland Security Dept., has documented systematic problems with the controversial program. Technology companies, in particular, have come to rely on the H-1B visa program to bring in skilled foreign workers to fill jobs that employers claim can't be filled with U.S. candidates. Tech companies like Oracle ([ORCL](#)), Microsoft ([MSFT](#)), and Google ([GOOG](#)) have pushed to get more visas,

claiming that a shortage of skilled workers is hampering U.S. competitiveness. Microsoft Chairman and co-founder Bill Gates has twice testified in front of Congress on the issue.

Critics say H-1Bs help U.S. companies replace American workers with less costly foreign workers. "The report makes it clear that the H-1B program is rife with abuse and misuse," says Ron Hira, assistant professor of public policy at the Rochester Institute of Technology. "It shows the desperate need for an auditing system." However, both Presidential candidates, Senator Barack Obama (D-Ill.) and Senator John McCain (R-Ariz.), have said they support expanding the program.

## **Program Abuses Alleged**

A USCIS spokesperson was not immediately available for comment. The report's conclusion states: "Given the significant vulnerability, USCIS is

making procedural changes, which will be described in a forthcoming document." A spokeswoman, Beth Pellett Levine, says Senator Chuck Grassley (R-Iowa), a longtime critic of the H-1B program, is drafting a letter to USCIS in response to the study.



The H-1B visa program has become increasingly controversial in recent years as groups such as the Programmers Guild and WashTech, which represent U.S. tech workers, allege it is being abused, resulting in mistreatment of foreign workers, wage depression, and the displacement of U.S. workers. The program was originally set up to allow companies in the U.S. to import the best and brightest in technology, engineering,

and other fields when such workers are in short supply in America. But data released this year by the federal government show that offshore outsourcing firms, particularly from India, dominated the list of companies that were awarded [H-1B visas to employ workers in the U.S.](#) (*BusinessWeek*, 3/6/08) in 2007. Indian outsourcers such as Infosys ([INFY](#)), Wipro ([WIT](#)), and Tata ([TCS.NS](#)) accounted for nearly 80% of the visa petitions approved last year for the top 10 participants in the program.

There is also evidence that workers on H-1B visas are being mistreated. [In a pending case](#) (*BusinessWeek*, 1/31/08), H-1B workers employed by Patni Computer Systems ([PTI](#)) allege they were underpaid.

Critics say such instances of abuse represent the tip of an iceberg of deeper problems with the visa program. Academics and U.S. tech worker advocates point out the re-

quirement that even employers who abide by the law—for example by paying the required "prevailing wage"—are able to underpay workers. "We shouldn't forget that the major problem with the H-1B program are caused by massive loopholes that allow firms to legally pay below-market wages and force US workers to train foreign replacements," says Hira. "Those wouldn't show up in this investigation because they are entirely legal." Hira says that a bill proposed by Grassley and Senator Dick Durbin's (D-Ill.) bill in 2007, S. 1035, would address both fraud and legal loopholes in the program.

### Companies Not

### Named

The USCIS report, called [H-1B Benefit Fraud & Compliance Assessment](#), is based on a sample of 246 H-1B petitions. It does not name companies involved in the study. The report says that 80% of the fraud or technical violations were uncovered during site visits.

Fraudulent cases include instances in which the visa worker was not working or had never worked at the specified location on the application. Technical violations involved situations in which the worker was paid at or below the prevailing wage, which companies are required by law to pay.

In other cases, the job duties were sig-

nificantly different from the position listed on the visa petition. This could involve misrepresenting the skill set required or the location of the job. Accounting, human resources, business analyst, sales, and advertising occupations are more likely than other categories to involve fraud, according to the study. Other areas in which violations were found include computer-related occupations, and art and managerial jobs. "Until we make a conscious effort to close the loopholes, we're going to see continued abuse where people coming to this country on H-1B visas are working at Laundromats," said Grassley in a statement. He was referring to situa-

tions in which companies misrepresent what type of work the visa holder will do. In the study, visa workers with only bachelor's degrees were subject to higher fraud or technical violation rates (31%) than those with graduate degrees (13%). Fraud and violations were more common for companies employing 25 or fewer employees and with annual gross income of less than \$10 million.

[Herbst](#) is a reporter for BusinessWeek.com in New York.

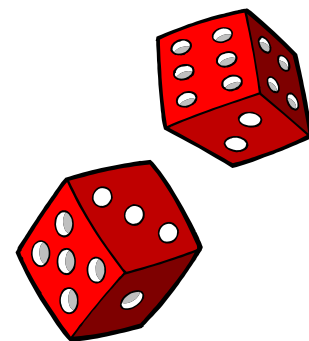
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## Diversity Visa Lottery

Each year, 50,000 immigrant visas are made available through a lottery to people who come from countries with low rates of immigration to the United States. The State Department's National Visa Center holds the

lottery every year, and chooses winners randomly from all qualified entries. There is no charge to download and complete the Electronic Diversity Visa Entry Form. The Department of State notifies successful Diver-

sity Visa applicants by letter, and NOT by email. Please visit [http://travel.state.gov/visa/immigrants/types/types\\_1322.html](http://travel.state.gov/visa/immigrants/types/types_1322.html) for information on the Diversity Visa Program.



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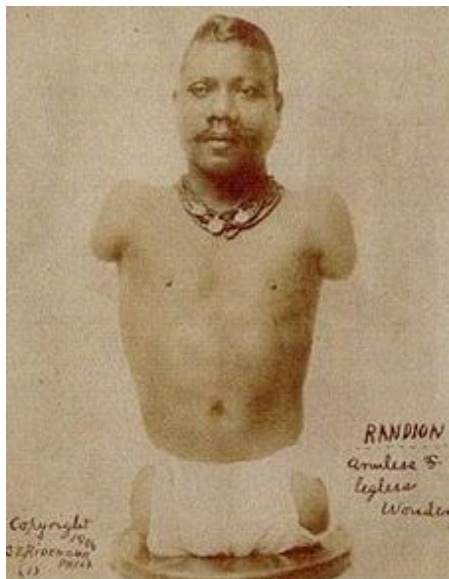
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*Happy Holidays From  
the Consular Section!*



## Prince Randian

## Famous Guyanese Immigrant

**Prince Randian** (ca. 1871 – December 19, 1934), also billed as "The Living Torso", was a successful side show performer in the 1930s. He starred alongside several other such performers in the 1932 movie *Freaks*, where he was mistakenly credited as "Rardion". Born without limbs, he was introduced as the "the human caterpillar who crawls on his belly like a reptile".

Prince Randian, whose real name has been lost to history, was born in Demarara, British Guiana, in 1871, the child of British Indian servants. Little is known about his early life or how he was discovered, but it seems his incredible adaptability did not go unnoticed. He was brought from British Guiana to the U.S. by P.T. Barnum in 1889. Randian appeared in freak shows, where he demonstrated the ease and facility with which he could shave, write, paint, and roll cigarettes - all without arms or legs. He was even fairly efficient at moving from place to place, wriggling his hips and shoulders in a snake-like motion. Randian is also said to have been a skilled carpenter. The box in which he kept his smoking materials was built by Randian himself, using his mouth and shoulders to manipulate his tools; he often joked that he would someday build his own house.

In a memorable scene from the movie *Freaks*, Randian is seen lighting a pre-rolled cigarette using only his lips, tongue and teeth. With the cigarette already in the right corner of his mouth, he leans over and grasps a matchbox between his lips on the other side. Showcasing the great dexterity that was a necessity for his life, he then sets the box down, opens it with his lips and tongue, and selects a match from the box with his lips. Another quick movement flips the box onto its side to expose the striking strip, and he maneuvers the match lengthwise in his mouth to strike it against the box. He then uses his chin to push the box flat again. Finally, he sets the burning match on the top of the matchbox, shifts the cigarette to the center of his mouth and touches its tip to the flame, taking a deep draw and then blowing out the match. (In the originally filmed scene, he also rolls the cigarette, but the sequence does not appear in any commercial release.)

Randian was a clever and quick-witted man who could speak English, German and French in addition to Hindi, his native language. However, in the film *Freaks*, he speaks his only line of dialogue in an accent rendering the words nearly incomprehensible. (After demonstrating his ability to light a match and a cigarette using only his lips, Randian asks a physically normal man, in English: "Can you do anything with your eyebrows?")

People who worked with Randian recalled that he was fond of perpetrating a certain practical joke. He would conceal himself in a box or some other receptacle too small to hold a normal person. He would wait patiently until some victim came along, then wait a few more minutes until that person was confident that he or she was completely alone. Then, Randian would suddenly scream.

Randian was married early in life to a Hindu woman known only as Princess Sarah, who remained devoted to him throughout his long show career. The couple had four children together and the family eventually settled in Paterson, New Jersey.

Randian died at the age of sixty-three on December 19, 1934, having toured carnivals and museums in America for forty-five years.

Source: [http://en.wikipedia.org/wiki/Prince\\_Randian](http://en.wikipedia.org/wiki/Prince_Randian)