



# Immigration Law Today

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## Cautious Steps to Avoid ICE Raids

- The No-Match Dilemma
- Form I-9 Compliance
- Monitoring FNBVs

## The Pickup: Amid High Hopes and Painful Reality

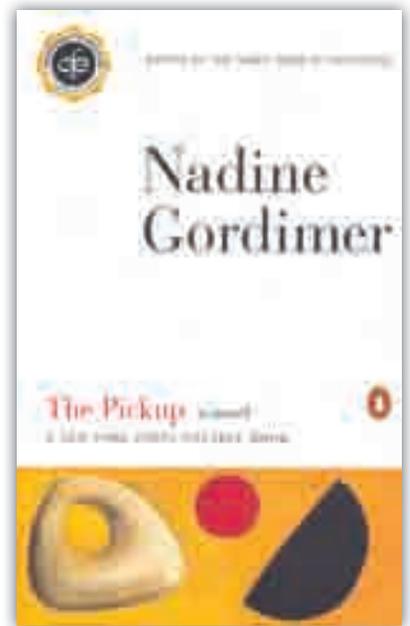
**ART IMITATES AND PORTRAYS** the real-life challenges of star-crossed lovers in Nadine Gordimer's novel, *The Pickup* (Penguin Group, \$14, paperback). *The Pickup* traces the story of Julie and Ibrahim—two very different young people struggling to find their identities as they move between two countries. The first half of the book traces the couple's chance meeting in South Africa, while the second half focuses on the unraveling of their strained marriage in a remote desert village. The book is well worth reading, and the plot is painfully plausible.

### A Chance Encounter

Ibrahim is a Middle Eastern laborer working on an expired temporary visa as a mechanic in South Africa. He already has worked in and been kicked out of two European countries. When Julie Summers—a young, wealthy, white South African woman—has car trouble in the street near his shop, he ends up fixing the car. She is intrigued (her life, otherwise, bores her), and their encounter is the “pickup”—the start of a torrid love affair that introduces them to each other's world. For Julie, Ibrahim's past life is a vague abstraction, one that she can grasp only through snippets of news reports and school history courses somewhere in her memory.

In the first part of the book, Ibrahim and Julie hang out with her young, liberal, disaffected crowd at the El Ay Café. She brings him along with her wherever she goes, but they seem to exist in parallel universes—physically together but understanding next to nothing about each other. He is baffled by her dissatisfaction with everything her birthright entitles her to, while she seems to give little thought to how different his life is from hers.

Eventually, Ibrahim is served with a notice for overstaying his temporary visa. This is a rare work of fiction that really captures the life of an undocumented worker, and the details resonate with the stories of clients these authors have seen over the years. The



setting happens to be in South Africa, but it could just as easily be in New England.

### In Between Countries

Julie is accustomed to having rights and options, and finds a lawyer through family connections. Her regular attorney suggests finding one “stupid enough to take on such cases and clever enough to see what he can do with” hers. The lawyer, who is not a particularly appealing character, cautions the couple to be realistic. In the end, he is only able to extend the notice to leave by a few days.

One of the most interesting parts of the book for immigration lawyers is seeing how, literally, clients can hang onto and act on a lawyer's every word. While some clients certainly question their lawyers' advice, there also are situations where lawyers have made suggestions that clients follow despite being inconvenienced, such as driving a long distance to a government office or anxiously waiting for a call at an appointed time when a quick

**Prospective Immigrants, Please Note  
Either you will go through this door,  
or you will not go through. If you go  
through there is always the risk of  
remembering your name.**

—A. Rich, “The Fact of a Doorframe,”  
*Collected Poems Old and New 1950–1984*,  
W.W. Norton, & Co. Inc., New York, 1994, 51

## Book in Brief

Quite a few people have recommended Kiran Desai's *The Inheritance of Loss* (Penguin Group, \$24, hardcover) as another contemporary novel with themes similar to *The Pickup*. Desai's book is more complex and darker than Gordimer's—giving a very pessimistic view of the post-colonial developing world. It is the story of five characters whose lives are intertwined, and their brutal struggles for identity in a world that is pulling them in different directions.

Sai is a young woman, orphaned and sent to live with her grandfather in the Indian town of Kalimpong, in the shadow of the Himalayas. Her

grandfather, Jemubhai, is a British-educated, retired judge, still in shock more than 30 years after his humiliating experience as a dark-skinned student in Great Britain. Their cook (unnamed until the final page of the book) has only one purpose in life—his son, Biju, whom he has sent off to New York City to work as a delivery boy or a waiter or a dishwasher. Biju, invisible and homesick, is desperate for a green card and to return home.

But Biju has no chance of obtaining a green card. His friend applies for the immigration lottery each year, but Biju cannot because “on and on the list went, but no, no Indians.



There were just too many jostling to get out, to pull everyone else down, to climb on one another's backs and run.”

Perhaps the most arresting scene in the novel takes place in the U.S. embassy where Biju is applying for a tourist visa. The terms and setting are familiar to those of us practicing immigration, but Biju's fear and confusion color the scene and bring the brutal experience to life.

Some would be chosen, others refused, and

there was no question of fair or not. What would make the decision? It was a whim; it was not liking your face, forty-five degrees centigrade outside and impatience with all Indians, therefore; or perhaps merely the fact that you were in line after a yes, so you were likely to be the no. He trembled to think of what might make these people unsympathetic.

Both *The Inheritance of Loss* and *The Pickup* have been used in book groups around the country and are very much worth reading. Suggestions for book reviews are most welcome at [dhb@curranberger.com](mailto:dhb@curranberger.com).

call made sooner would end their cycle of speculation. Like these clients, Julie and Ibrahim wait almost painfully, day after day, for the attorney to call back with any piece of advice after their initial consultation.

However, there was no escaping the expired visa, and Ibrahim leaves as scheduled. Julie decides to go with him. They get married to appease his strict Muslim family then fly off to a small, unnamed country in the desert where his family ekes out a living.

A failure in the eyes of his family and himself, Ibrahim desperately applies for new visas to any developed country that might take him. Meanwhile, Julie settles down into the lifestyle of his family and town. She befriends the women and girls of the household, learns to cook, teaches English, and enjoys the peace

and spiritual power of the desert. The tension between the couple is palpable. She naturally possesses—yet has rejected—what he is so ardently seeking. Her acceptance and eventual embrace of the life in the tiny desert town further widens the chasm between them.

Julie finds serenity in the place where Ibrahim sees only failure and misery; ultimately, their fundamental differences and the overwhelming circumstances between them overcome their relationship. Ibrahim and Julie are both searching for a country to which they can belong, but ironically, the land that Ibrahim rejects is precisely the place where Julie feels most at home and wants to stay. Julie is rich, white, and privileged; Ibrahim is poor, dark-skinned, and disadvantaged despite his education. Gordimer creates a

binary opposition between the two—their backgrounds and their ideals—engaging the reader's interest in the way both characters are drawn together as opposites.

### Immigration Reality Check

Gordimer's novel is both beautiful and gripping. *The Pickup* depicts undocumented immigrants driven by desperation to return to their native land. Gordimer was awarded the 1991 Nobel Prize for Literature, and belongs in the vast arena of post-colonial writers who portray the lasting effects of colonialism throughout the world. Her writing centers on the political, and yet transcends through the complexity of her narratives.

Gordimer has tackled many topics involving class and belonging. Her style in →

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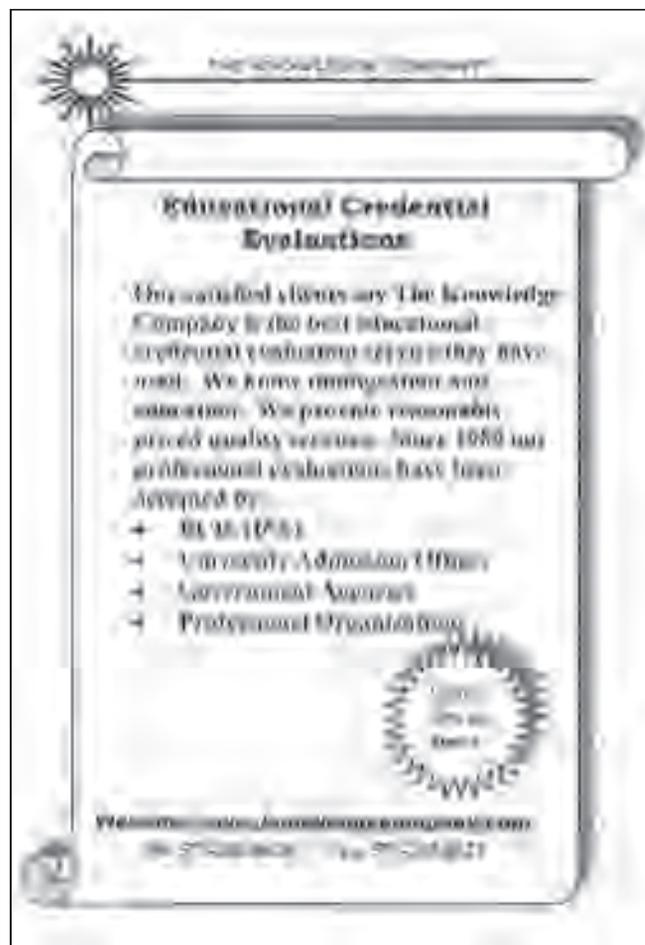
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## **READER'S CORNER** *The Pickup*

*The Pickup*, as in her earlier work, can best be called "elliptical." She paints a picture of a scene, always describing, rather than taking the reader through a chronological narrative. The result is a bit jarring at first. It takes several chapters before the main characters' names are introduced, and the small desert country that is itself a main protagonist in the book is never identified.

*The Pickup* is a familiar story of the fruitless attempts many people make to find a place for themselves in the developed world. The grim reality is that an expensive education does not guarantee admission to the United States; nor does business experience, a trust fund, or a mother married to a U.S. citizen (as in Julie's case). The H-1B professional working visa is one option, but the filing fees alone are currently \$2,320, and quotas prioritize foreign students who have graduated from U.S. universities. Finding a U.S. employer to sponsor someone in Julie's position sight unseen would be extremely hard, especially with these hurdles to overcome.

A trust fund like Julie's might help, but only if the person starts a business. However, the United States does not have a treaty with South Africa that allows a temporary E-2 investor visa—and the very tough EB-5 green card category requires investing \$500,000 to \$1 million to achieve conditional residence. Furthermore, →



while Julie's mother is characterized as married to a U.S. citizen and living in the United States, this does not help the couple's situation. Presently, the family-sponsored third preference category (married adult sons and daughters of U.S. citizens) is backlogged more than seven years.

**Grim Prospect**

Ten years ago, about one-third of the potential clients who approached our offices from "off the street" had no immediate immigration options. We would go over the situation, and put their names on lists of people to call if the law changed in one way or another. Now, the situation is even more challenging. Foreign students—especially those who possess only a bachelor's degree—are finding that they cannot get an employer to sponsor them for the H-1B lottery, given the expense and uncertainty despite their U.S.

**[I]n today's precarious nature of U.S. immigration law, *The Pickup* is not only engaging, it also is painfully realistic.**

education. Thus, in today's precarious nature of U.S. immigration law, *The Pickup* is not only engaging, it also is painfully realistic.

*Authors' Note:* The novel's social and political concerns are presently vital, and it is not surprising to hear that Cornell University chose it as a required book for all incoming first-year students. Professor Phyllis Katz explained that based on her teaching

experience, many students are misinformed about these issues—many have not met (or think they have not met) an undocumented worker, and have not thought about the challenges these workers face. Most U.S. college students would be surprised to learn how many undocumented students there are in higher education in the United States. **IL**

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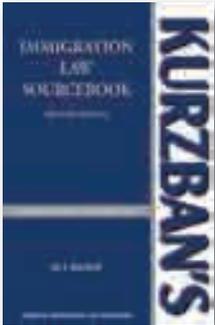
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