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**Fraud Asylees
from China**

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Fraud asylees from China

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Report

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Abstract

Immigration issues have been put on the center of the discussion table for years. Mentioning the term, the first thing coming into one's mind maybe Mexican or Latino citizens secretly hide inside a cargo ship and risk their lives to cross the border. But the new Chinese immigrants' inflow creates no less influence. They do not bring drugs but take brutal labor jobs, they do not come with families but live more compactly with groups, they do not keep unnoticed but will actively show up in churches and can get green card with much ease. The externalization of Chinese migrant worker trend deserves more social and economic attention.

In this master's report, I will unravel the puzzles of the Chinese immigration wave, focusing on their pursuit of asylum fraud. In 2011, more than 32 percent of the total 21,012 asylum approvals are granted to Chinese nationals. In east Los Angeles area, where undocumented Chinese conglomerate, low-end factories and shops, churches, and law offices form up a complete immigration chain service.

The two main characters, Ai Peng and Guo Yinghua, represent the two universal approaches among the Chinese community: asylum through reasons of religion and birth control. Through interviews with professionals and scholars and existing materials, I am intending to depict the real lives of asylees, evaluate impact of the immigration wave, and raises legal and executive questions for improvement.

Key words: immigration, Chinese, asylum

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Fraud Asylees from China

Two years ago, Ai Peng was a chemistry teacher in a Beijing middle school. At the time, he was optimistic, talkative and had sense of the unconventional. He enjoyed interacting with the students and was awarded “the most welcomed teacher” by the school.

Now Ai, 29, is a massage worker in Monterey Park, California. His leisure time is mostly dedicated to guitar playing and solo singing at his congested family hostel. (See “Monterey Park, a new Chinatown.”) Barely understanding English, his interaction with the local society is almost zero.

Such a transition is driven by his undocumented status in the U.S. “But I suppose it will end soon,” Ai said. “My asylum court hearing is approaching, and it will be a crucial opportunity for me.”

Ai is seeking political asylum in the U.S., arguing that he would be persecuted back in the PRC. If he is successful, he will join what the Migration Policy Institute, a think-tank, estimates as 1.6 million first-generation immigrants from China. There are plenty of lawyers willing to take on cases such as that of Ai, and some of them are willing to stretch the truth to gain permanent residence for their clients. Either way, the number of Chinese-Americans is growing quickly.

U.S. Ambassador to China Gary Locke announced in February 2012 that the U.S. granted more than 1 million visas for Chinese applicants during fiscal year 2011, doubling the number of a decade ago. The Chinese are growing significantly on census figures, too. According to the 2011 yearbook of Department of Homeland Security, more than 700,000 Chinese obtained permanent residence status in the U.S. between 2000 and 2010, doubling the 340,000 between 1990 and 2000. The number is second only to Mexico.

In 2010, more than 6,600 Chinese were granted resident status through asylum, accounting for 32 percent of the total for that year. It's a small number relatively, but large enough to generate a small industry for asylum attorneys and other businesses associated with the asylum trade.

"Such industries are most noticeable in California, where more than 1.1 million Chinese are densely resided in," said Medaline Y. Hsu, associate professor at the Center of Asian Studies in the University of Texas at Austin, in an interview. "Local job agencies, restaurants, massage shops, churchs and law firms all contributed to a whole chain of asylum services."

"These Chinese sneakers have very clear objectives at the first place," said Zeng Shaocong, a researcher at Ethnic and Anthropology Research Institute of the

Chinese Academy of Science, in an email interview. “After entry to the U.S., their priority will be switched to gain legal residence.”

Though the asylum business is facing constant local complaints and legal charges, it continues to thrive in the Chinese conglomerated areas. “Fraud in immigration asylum is a major issue,” said Hsu, “but its huge financial and labor cost in investigation contributes to lagging law enforcement, and the people can find ways to get out of it as well.”

Ai was earning 3,500 RMB (\$555) a month after teaching three years at the Beijing middle school, but the high cost of living in the metropolis kept him hopeless. “I co-rent a 600-square-foot apartment that cost 1000 RMB (\$160) monthly, excluding water and electricity for each of us, and after cutting the dining and transportation fees, which amounts to about 70 RMB (\$11) daily, I barely left with anything,” Ai said.

At the massage shop where he is now working, he can earn 50 percent of the \$30 cost, and a greater than \$5 tip within a 30-minute service. In a typically prosperous day, he can gain more than \$120.

“Generally I have switched from brain work into labor work,” Ai said. “But who cares as long as you can make ends meet and lead a more comfortable life among

the pressure? Here in Los Angeles, I can afford a pair of decent shoes for my dad, and some branded cosmetics for my mum. It's definitely a lot more rewarding."

"Economic reasons are the driving force for thousands of Chinese to migrate," ethnics and anthropology researcher Zeng said. "The abundance of cheap labor in China meets the demand of many developed countries like America. The U.S.'s relatively open immigration policies also precipitate aliens to come and seek their fortune."

Since the reform and opening policy in 1978 that embraced market incentives, the Chinese economy has kept skyrocketing. But the tremendous GDP growth rates are mostly enjoyed by the urban privileged. The general masses, with annual per capita income of 21,000 RMB (\$3,300), still have a relatively low living standard.

"China is in a massive transition towards urbanization, with millions of farmers leaving their hometowns to start a new journey in the cities," Zeng said. "Although China's economy is still going strong, the cities are unable to satisfy the ever growing employment need."

"It creates an illusion among many Chinese that once you are out of this land, money and success will chase you over," said Peter Kwong, sociology professor at the City University of New York Graduate Center and writer of books on Chinese

Americans. “Such opinion is not just shared among the rural poor, but also by some highly pressed urban employees.”

“Every road leads to Rome,” Ai said. “You will enter a different world once you get the green card. You will get free health care, higher salary and even great girls to marry. That’s the exact moment we may touch the notion of equality to the native Americans, as they are claimed throughout the world.”

Ai used a universal approach among the Chinese community: asylum through religious reasons.

According to the U.S. Citizenship and Immigration Services website, anyone, whether in the U.S. legally or illegally, who is not allowed to practice religion or is persecuted because of religious beliefs is able to qualify for religious asylum.

According to Journal of Ethnic History, the asylum approval rates are in an all time high at this time. Last year the number was 50 percent of applicants, which dramatically increased from 11 percent in 1986. Such trend is much correlated with the rising proportion of legal representation. Almost all asylees now are represented by attorneys.

“I think the high approval rates are highly politicized, and have to do with where

they come from,” UT Asian studies professor Hsu said. “America has been ‘generously’ granting green cards specifically to the socialist camp since the Cold War times. Now it is still a way of criticizing the Peoples Republic government, saying, ‘you have political legitimate reasons for running away and choose a world of freedom and democracy.’”

“It’s a quite simple and straightforward process,” Ai said. “As long as you can convince the officer that you are maltreated in your home country and are afraid of the consequences of going back, they will grant you the pass.”

The long and arduous court hearings cannot do without the help of immigration service businesses. At friends’ recommendation, Ai went to New Horizon Immigration Office, which claims it is “the most trustful agent in investment, relative and asylum immigration.”

Located at the second floor of a bustling center where restaurants, garment shops and barbers gather on the first, the law office is never short of people seeking consultation. “Visa, immigration, translation and seal services,” are written on the business’ sign.

Terry Yep, 37, an immigration lawyer at the firm, oversaw Ai’s case and was confident about its success. “You are more than eligible to fit into the religious

asylum category, in which we have plenty of experiences of. All documents will be made by us, and you will only need to do two things: develop a personal story about your prosecution in China, and learn Christianity to persuade the judge on the hearing,” he said.

Ai paid \$3,000 as down payment, with an additional \$2,000 due after passing the hearing. Yep gave him a sheet named “Memorandum of Asylum Application,” a bible and a book named “200 questions on Christianity,” and said, “get familiar with the materials, and all court hearing questions will be in your hand.”

The memorandum detailed points that immigration judges might consider in denying a religious asylum case. Questions like, “Why are you still going to an underground church if you already aware of its illegality in China,” and “How did you get your passport if you are persecuted and recorded in the Chinese police offices?” All the right answers are in the book.

The books have since remained beside Ai’s pillow. He reviewed them everyday and soon knew the content. “It’s just like reciting textbook materials in high school,” he said. “You absorb the author’s ideas and put out the standard answer. Always agree with what the author claims.”

The long process of learning didn’t actually convert Ai into Christianity, but it did

puzzle him. “In China, we were forced to believe in Maoist theory, but it turns out to be crap. In the U.S., we are brainwashed again through Christianity, another ridiculous religion,” Ai said.

Ai would always test himself in answering the 200 sample questions, and ended up adding some personal mocks. “Jesus is the son of God, and Joseph is the early father of Jesus. Can somebody fabricate a more plausible family tree? It’s unbelievable that all Christians even believe the hundreds of stories from nowhere.”

With the knowledge in mind, Ai was able to conceive his own story, though. He wrote in his application letter that, “I am a devout Christian, and because of my religion, I was caught, interrogated and persecuted by the Chinese police.”

He added that “later on, I lost my job and girlfriend, which plunged me into serious pain and despair. I hate the system. I hate the authoritarian and corrupted Communist Party. God freed and saved me in a great nation called America. I want to follow God’s endowment and continue to pursue my belief in the States.”

“The reality in China is that although outsiders consider it as a non-religious state, there is a lot of flexibility in it,” said sociology professor Kwong. “Most religious groups can have full control of their activities as long as they are under the

so-called ‘Communist Party supervision,’ which has become increasingly slack as time goes by. So generally the situation is improving, and our imagined cases of the prosecution rarely happen.”

In the asylum process, the filed documents are as essential as the personal story. In Ai’s case, he had to provide convincing evidence from the Chinese police offices with records that showed his affiliation with underground church groups in China. No problem.

“No American immigration judge would ever know what a detention document looks like in China, and they won’t have the time and energy to verify this. As for unofficial documents, we just write by hand using a scratch paper,” Yep said. “After all, underground church materials should be as secretive as it seems, right?”

In Yep’s desk drawer, there are many “official” seals from Chinese major departments, from the Office of Birth Control to county police stations. “It’s a lot simpler and faster than requesting the authentic ones in China,” Yep said.

Jason Dzubow, writer for the a well-recognized blog site “The Asylumist” and lawyer at Dzubow, Sarapu & Pilcher, a Washington-based immigration law firm, said in an email interview that “sometimes immigration court will send the document to a forensic document lab, which supposedly has examples of legitimate

documents and can detect fakes. The lab can also examine the type of paper and ink used to see whether it is suspicious. In practice, this is not done very often, and is not very effective. In short, it is very difficult to detect fake documents.”

Church is one of the most frequent gathering places among religious asylum seekers. Seeking more “religious fellows” and demonstrating religious involvement, Ai went to the San Gabriel Chinese Church, a Catholic church that has more than 200 permanent members.

The church provides lessons in Mandarin, Cantonese and even Fujianese to serve varied needs of the participants. “Welcome, new members!” said Hua Jianyong, one of the priests. “I am very glad that you join our big family. Take a seat, and any more questions, please let me know!”

As Hua was directing us the interior, he handed us an instruction of services paper. It was only at this point that Ai found out the so-called services were all available “at a cost.”

The handbook included a detailed list of potential activities followed by their charges. A minimum donation of \$20 is required for participant registration each week. To certify as a permanent member of the church, individuals should have at least 10 records of donation to qualify. Christening, Christmas or Easter attendance,

a photograph with the priest or even letting the priest to be a witness in court were all priced.

“China’s oppression to religious freedom definitely caused this trend, especially on their persecution against Falun Gong and Tibetan Buddhist that circled around the media,” sociology professor Kwong said. “So local religious groups and churches are very willing to cooperate with the asylees for their mutual benefits.”

Most asylum seekers have no other choices but going to these “certification factories.” “I suppose everything they are doing here is for profit,” said Amanda Hu, 54, one of the attendees at the church. “Even the church volunteers should pay the institution to get the formal paperwork, not vice versa! How can you imagine a priest, while preaching the concept of generosity and forgivingness, is actually involving all these profit seeking and god-deceiving behaviors?”

“It is a very developed industry in China to make fake products like iPhone and LV, let alone all types of documentations. It’s just an open market, where they offer anything as long as you pay,” Kwong said. “Corruption is also widespread in Chinese churches, which operate similarly to the Chinese bureaucracies and require bribery and connection to get things done.”

As for religion, most Chinese arrive as Buddhists, Confucians or with no religion at

all. But in this church, Bao Ying is one of the real Christians. “I think different people have different reasons of being there,” Bao said. “For me, I just found my spiritual path after knowing Jesus, and I am sure Jesus can forgive and help all those in hardships, because we share the same prayer.”

Unwilling to pour money endlessly to the Chinese Church, Ai found an alternative of going to a more multiracial church, “to seek real help from Jesus” as he wished. After friend’s referral, he went to Lake Avenue Church, second-largest church in Los Angeles area, 10 miles from where he lived.

Every Sunday, more than 3,000 people attended the church. Ai gets there late and sits in a back row, listening to the priest’s prayers in English. “That always sounds Greek to me,” Ai said.

Nine a.m. was still midnight for Ai because of his working hours. He couldn’t help sleeping while the participants excitedly shared their connections with god. It was only the group sharing section, an hour later, that fascinated him.

He attempted to communicate with his limited English skills. “Long time no see. Nice meeting you again,” Ai said.

“We all missed you. How was your school and work?” said Youlinda Cai, 33, one of

the group members.

Ai hesitated for a moment, and replied. “It went OK. We are on holiday. Er ... East Los Angeles Community College, MBA. I am part-time working right now, doing massage.”

Everyone looked a bit surprised that a small community college had an MBA program.

No one challenged the lie. But Cai, a new U.S. citizen, shared her feeling about Christianity with her personal experiences in the later discussions. “I think life is aimless and chaotic without god. Many people, like I used to, are having endless desires to satisfy. They are always making the ‘what if’ questions. What if I have an excellent test result? What if I graduated? What if I find a decent job? What if I get my green card? All those needs, once fulfilled, are replaced by new ones and are stuck in a circle. Jesus teaches me to give, not to take; to pursue the will of god, not to ramble around different goals and objectives,” she said.

Everyone laughed and clapped. Ai did, too. When the round turned to him, he started his sharing like a real Christian. “My maternal grandma was hospitalized two weeks ago. I worried a lot about her, but have no way to fly back. Today, with everyone’s blessings, I hope she will be healed soon,” he said.

After a quick group lunch, Ai got his photo taken with priest, received a letter of blessings from 11 members, and left the church cheerfully. “Mission done!” he said.

Cai told me in a later telephone interview that she knew Ai may be in the church for a purpose. “But as one gets old, helping others means a lot more than helping oneself,” she said. “I think most people at the Lake Church are kind-hearted and willing to give a hand. We would be cheerful as long as his life is improved.”

One week before the court hearing, Ai was busy going to the law office to finalize the preparations. Four people were sitting around the table, listening to Yep’s final instructions.

Yep revealed to me that he normally has 70 to 80 clients annually, and in recent years, the number rose to almost 100. “I am wired all day, filling with documents one after another. Chinese New Year is definitely our peak time, because hundreds of Chinese travel abroad for holidays and choose not to go back,” he said. “The travel agencies around will constantly bring customers for inquiry, and not surprisingly, people of all age groups are interested in the U.S. green card.”

A giant poster in his office door even says: “Deliver your child in America, the most rewarding investment.” It listed 10 items as priority of being a U.S. citizen: free

compulsory public education, in-state college tuition, free health care, greater opportunities in applying scholarships, loans and jobs, and free entry to more than 120 countries worldwide.

“The pregnancy center services are very popular in Los Angeles because of its nice weather, superior environment and high-end facilities. Having two citizenship types can bring a lot more flexibilities for the Chinese. We are there to help them achieve it,” Yep said.

Guo Yinghua, 34, one of the four preparers of that day, was the only woman. She just delivered a girl six weeks ago, and was using a type of asylum popular among undocumented females: China’s one-child policy.

“If you are young and have great memory skills to a lot of text and Q-and-A format, you can choose religious asylum,” said Yep. “But if you are too old to recite all the content, or unwilling to go to church, then just go and have your baby and call for ‘immediate fear of persecution.’”

Chinese delivery centers have long caught local attention. Just 20 minutes southeast from Monterey Park, Roland Heights has everything that upper-middle classes dream of: mountains, shopping centers and low crime rates. Immigrants from Taiwan and South Korea settled here in massive numbers in the 1980s, and so

did the Mainlanders in the mid-1990s.

Along its iconic Colima Road, supermarkets, beauty salons and boutique shops converge and become the center of local gatherings. Guo is living a residence community across the road. Pheasant Ridge, like other communities, has a leasing center, staff and beautiful flowers at the sidewalk. In reality, more than 10 townhouses of this community are rented to operate as delivery centers. More than 30 future moms are taken care of by “nonprofessional nurses”--undocumented Chinese maids.

“There is a trend that Chinese women are chasing to go abroad for delivery,” said Zhi Hui, journalism associate professor at Wuhan University of China, in an interview. “Their steps are all over Hong Kong, Singapore, Canada and of course, America, because of China’s insufficient high-end hospitals, and people’s worry about the infant food security, especially in the milk and dairy industry.”

“I choose Los Angeles for its nice environment, better hygiene and higher level of services,” Guo said. “Its relative ease of getting green card through asylum is just a side benefit.”

“In 1980s, in a reaction against China’s one-child policy, the Congress provided provisions for amnesty for Chinese who claim the opposition of such policy,” said

sociology professor Kwong. “This particular law continued even after the 1996 immigration reform. In other words, the Chinese are given a special consideration beyond other nationals in this matter.”

“The Asylumist” blogger Dzubow said, “I personally think this is a bad law, as China has a population problem and is dealing with it in the way it thinks best. I believe that this is not our business, especially since we do not have special laws for countries that commit worse human rights abuses. On the other hand, since it is my job to represent asylum seekers and win their cases, I would have no hesitation to use this law to help a client.”

Guo was a housewife back in China. She already had a son of 6 about to go to elementary school. Her husband, an official at the Department of Taxation of Shanxi Province, was the mainstay of the family.

Going out and seeking alternatives for the family is a male task in Chinese traditional ethnicity, but Guo is shouldering the responsibility on her own, partly because of her uncertainty about the future of her husband’s job. “I can’t wait for my daughter to turn 21 to be naturalized as U.S. citizen,” she said. “I need to get the green card now to nip the bud.”

“Chinese government and party officials usually enjoy tremendous privileges in

social welfare, subsidies, and many can gather 'gray income' through using personal power and connections," journalism professor Zhi said. "But actually, the job securities at high levels are not high, because anyone can be overthrown for minor reasons, which is repeatedly indicated in the Communist Party's history. America just meets their demand to protect personal assets and enjoy better freedom."

Each day, Guo is having meals provided indoors and is suggested only to walk out with other prospective moms at night. "They told me, 'don't disturb the locals, and try to refrain noticing from the public eye,'" Guo said.

Each week, the center will provide buses to the vicinity Desert Hills Outlet Center, which has become a highlight for the moms. "When I purchased all the world renowned brands' products at a cheap price, I just feel all the sufferings and loneliness disappeared," Guo said.

"High-end immigrants like pregnant moms are relatively new to the asylum community," said Li Zhuoya, a Shanghai-based immigration attorney, in a telephone interview. "They mostly used to apply for EB-5, an investor green card type that the U.S. government attempts to attract foreign investment. But this process usually has huge financial (half or one million dollars) and time (three to five years) cost, and the 2008 economic crisis witnessed many investments run into

bankruptcy. Family planning asylum, speedy and cheap in essence, has thus become one of their top priorities.

“The major underline is, it’s simply adding a risk-free alternative for the asylum seekers,” said Li. “In theory, Chinese law prohibits double nationality. But privileged classes can actually gain other citizenships without their own local residence permit being withdrawn. It became a similar conduct like a U.S. businessman seeking tax shelters in Europe.”

The debate on birthright citizenship has been ongoing in the Congress for years, but the family planning phenomenon never ceases its pace of growth. “It’s hard to change the existing laws in the U.S., not to mention the 14th Amendment of the Constitution,” Li said. “I bet it won’t affect the Chinese pregnancy services down here.”

Guo had her own plans for the future. “Once I got the green card, I can fly around the Earth to enjoy life at ease. I would also have a choice of schooling for my children. Considering the worst situation that were my husband been put down, he can transfer all our properties to America and avoid the administrative and legal struggle in China,” she said. “You know, never too early to prepare.”

Guo came to the U.S. on a tourist visa. When interviewing at the Beijing Embassy

of the U.S., she was already four months pregnant. She had to wear loose cloths, practice walking stances, memorize a detailed trip schedule and provide certification of work and deposit to convince officers she didn't plan to overstay in America.

"All of these are absolutely lies," said Guo. "I was actually more worried about the crowd. Hundreds of people are lining up in front of the embassy to process their visa can be imposing for my baby. Thank god it went smoothly, because I used a handbag in front of my stomach to avoid the officer's attention."

Guo is among the 1.08 million Chinese who entered in the U.S. in 2011, and according to the Department of Commerce, these visitors added more than \$5 billion to the U.S. economy.

Chinese immigration to America has long historical roots. "After following the California gold rush in the 1849 era, more Chinese escaped from the local warfare and work as railway or plantations workers," UT Asian studies professor Hsu said. "California is also the center of the anti-Chinese movement when the 1870s economic crises were sweeping country and the Senate subsequently passed the exclusion laws. For the next half century, no one was allowed to step their foot on the U.S. territory."

When the laws were repealed, the second wave of Chinese immigration started from Taiwan, the Republic of China. Mainland Chinese had to flee elsewhere to make this transcontinental trip. It was only after the 1980s that we witnessed the third and largest immigration wave. Dozens of new routes opened a variety of new staging areas in Central America and Caribbean countries, and the human trafficking industry thus expanded rapidly.

Kwong has written books to reveal the Chinese-American genre in different historical backgrounds. The most recognized one, “Forbidden Workers, illegal Chinese immigrants and the American labor,” summarized the characters of Chinese-American immigration trend before the 1990s.

In the book, Kwong discovered dozens of routes that Chinese nationals created in the Golden Venture period. “You can’t imagine smugglers are hiding at the ships for months just to reach the U.S. border,” Kwong said.

Liu Liansheng, 54, is Ai Peng’s uncle. Being in America for more than 15 years, he could still recall the struggles of that time.

On the last day of September, 1996, President Clinton signed legislation that drastically changed the immigration system of the U.S. The 1997 new Immigration Law highlighted cancellation of visas for overstayed aliens, established new income

requirements for affidavits of support, and placed limits on asylum numbers.

The law hinted an important signal for the Chinese unemployed: the alternative of entering the U.S. would no longer be easy. Therefore, at many street corners of major Chinese cities, snakeheads (gang members) appeared at the vital moment to “assist” potential international job seekers for a better way out: prepare them with counterfeited documents and arrange them with detailed procedures to safely arrive at America.

“I am in a group of nine, and each was charged 30,000 RMB (\$3,500 at the time). I think the price has increased to 110,000 RMB (\$18,000) now. We had even gone to Europe once to ensure the secure process of our U.S. visa,” Liu said. “Fifteen years have passed. Eight of the group are still here, all around America. But if I meet with them again, I probably won’t recognize anyone.”

Back in China, Liu had experienced the transition from planned to market economy. He was initially a print-maker in a large, state-owned printing factory, and earned less than 100 RMB a month. In 1989, Liu and his wife grabbed the first opportunity: They rented a shop in front of Tianjin’s iconic Municipal Plaza and started to sell tobacco.

Due to the slack competition, the shop prospered and could bring at least 3000

RMB as net profit each month to the Liu family. With such income, they were able to lead a moderately comfortable life.

The good times didn't last long. Within three years, five similar tobacco shops opened at the same street and created a vicious circle. As the rent cost mounted at a ridiculous speed, Liu's family business soon ran down. Later on, Liu became a taxi driver, and sometimes worked day and night without falling asleep. Tiring as it seems, Liu's income never came close to its peak.

Years have passed, and Liu's family aged. In 1996, his mother died, and his father, due to his seniority, also needed frequent hospital care. Liu made up his mind: Commit his father to his elder brother's care, and go to America by himself. "I can't wait any longer," he said. "I needed to earn quick cash and go back."

Twelve years later, Liu found the same snakehead and persuaded Ai Peng to come. "It's far better to be here than squeezing with his parents in a one-bedroom apartment," Liu said.

Unlike Liu, Ai didn't have to go through the cumbersome processing for entry. "Except for extremely remote areas, anyone can get a tourist visa that is good for six months. But young adults like me can also easily obtain a student visa that lasts a lot longer," Ai said.

More than 160,000 Chinese students are currently studying in the U.S., which constitute 22 percent of the total international student amount. Many public schools, under financial pressure, are cooperating with Chinese study abroad agents to enroll potential Chinese students.

“If you are willing to pay the fees, you will be accepted,” Ai said. “They can provide everything you can imagine. A phony diploma from a elite Chinese university, a certificate for passing the TOEFL English exam, an admission letter from a U.S. university, and a sponsorship letter with all financial statements.”

Over 50 percent residents at the family hostel entered through Ai’s “revised” process.

“One of the major changes of the Chinese immigrants nowadays is they arrive by plane, not ship anymore,” sociology Kwong said. “As its economy is skyrocketing, most families can afford plane tickets, even with some detours from Middle East or Europe.”

“Another distinguishable character is they hold valid visa and choose to overstay,” Kwong said. “There are technically dozens of ways to obtain it. You can disguise yourself as student, businessman, religious workers, or even relatives of U.S.

citizens to achieve the goal.”

“I think the U.S. government has an eye on the issues that are low impact but profitable,” Asian studies professor Hsu said. “They know people like students and merchants will bring potential interests to the country, and they don’t mind some of them to overstay.”

Back at the law office, Yep continued to explain the final 101s before the hearing.

“The first defining element is on top of your hearing letter: who your judge is,” Yep said. It was a sheer case of luck. In an Immigration Judge Report website built by the Syracuse University, bibliography, race and denial rates of all immigration judges nationwide are included in a database. Among the 25 judges in the Los Angeles area, denial rates vary from 36 to 86 percent.

In the Chinese asylee’s plain terminology, they define judges with lower than 50 denial rates as “angels,” and those with higher than 60 as “evils.”

Ai was lucky. He was appointed to Judge Gita Vahit, a widely known woman of mercy. “I got an angel!” Ai shouted, along with the other two, leaving Guo in despair. “Oh, bad luck. I got an evil that denies 67 percent of the cases,” Guo said.

“That’s not bad.” Yep said. “It seems these types of judges are really emotional. They sometimes ‘kill’ a person without reason, but other times they can be extremely kind. You can judge the situation at the court. If good, you can proceed through normal dialogues; if not, you can suggest restart the hearing, reasoning that you are still waiting for documents.”

According to “The Asylumist” blogger Dzubow, judges sometimes have a hard time making decisions, because many claims are based on countries of disarray. “They don’t want to be looked as too strict, so they simply choose pass rather than fail an applicant,” Dzubow said.

Yep elaborated the options to handle the varied : “If you pass, some of you very likely, then congratulations, green card is waving at you. If not, we can choose to appeal within 30 days. If failed again, we can go to federal, even the Supreme Court, if you are confident enough.”

No one hopes their application to be suspended forever. The additional cost of time and money may scare many asylees away from the multiple appeals.

“You can definitely choose to stay undocumented,” Yep said. “No one will prosecute you even if you are officially on the deportation list. You can just avoid appearing in the public eye, and wait for your chance to revive. Having babies can be ideal,

because it directly opposes to China's one-child policy. You may also apply to cancel the deportation once you stay for over 10 years and have no illegal record. And never forget the slight chances of amnesty, which will benefit all of you, and leave me out of the job."

The U.S. and the Chinese governments have both attempted measures against human trafficking and fraud asylum requests, but neither has reached the results they want.

"The Chinese government considers the illegal smugglers in the coastal regions are a 'plague' to the society," said Huang Runlong, a researcher at Nanjing Population Management Institute. "Carrying huge personal debt, their departure always reduces local productivity and causes social instability."

According to Huang, China has long-established laws against human smuggling. The criminal law states that an average smuggler will be charged for 1,000 to 5,000 RMB (\$158 to \$794) and sent to jail for not less than 15 days. Punishment will be a lot greater for repeated offenders and organizers.

"But it involves more complicated issues," said Huang. "For example, many offenders are in debt and don't have any possibilities to pay the charge. Other times they are simply unaware of their illegal conduct. As for organizers, who usually

have close connection with local gangs and transnational accomplices. Catching them would be very difficult because of their mobility and experience against our legal efforts.”

Related entities in the U.S. are trying to combat the forgery trend. According to U.S. Immigration and Custom Enforcement, in 2011 two immigration consultants in Los Angeles area were charged in an asylum fraud scheme that included more than 800 bogus cases.

“The brazen abuse of our country’s generous asylum laws will not be tolerated,” said Claude Arnold, special agent in charge for ICE in Los Angeles. “As a country, we’re committed to providing refuge for those fleeing persecution, but there will be no such protections for people who exploit this system for profit and put our nation’s security at risk in the process.”

Mariana Gitomer, officer at Los Angeles Bureau of the U.S. Citizenship and Immigration Services, wrote in an email interview that “USCIS has a very aggressive anti-fraud initiative that includes education so the public is aware of unscrupulous lawyers and other individuals that perpetrate immigration scams.”

ICE arrested over 2,400 fugitives in enforcement operations throughout all 50 states in 2011. UT Asian studies professor Hsu said that "some people express

concern that potential terrorists could use asylum as an avenue for entry into the United States, especially aliens from trouble spots like the Mideast, Northern Africa and South Asia."

Gitmer disagreed with the view. She wrote "one of the top strategic priorities of USCIS is to strengthen national security safeguards and combat fraud. This will be done among other things through enhanced security screening and increased collaboration with other government entities."

Despite the multifaceted efforts, sociology professor Kwong still considers "the American immigration cause is totally broken." He said, "Right now, there is no national agreement on whether immigrants are beneficial to the economy. It's common to see one group that wants to restrict, and another group that wants more to come. So bureaucrats get caught in the middle. They are appeasing the two groups through enforcing a stricter border control system, but certainly for states like New York and California, there is no appetite for strict enforcement."

"American's economy is now dependent on the immigrants," Kwong said. "There will be dire consequences if conducting restrictive immigration policies. In this election period, immigrants,' especially the Hispanics' votes are getting increasingly more significant that politicians can not afford to offend. It is obvious that Immigration issue is surely the last thing the Obama administration will touch."

“I don’t know whether the widespread fraud in asylum will be effectively reduced,” said blogger Dzubow. “Things are more complicated than seems. The fact that always galls me is that the first thing that many successful asylees did after obtaining residency status was return home to the place that they supposedly feared to show off their green cards and, in many cases, return to the States with a new spouse. So this may suggest it is hard to stop the practice.”

Ai was excited and nervous the night before the hearing. “What should I wear? How to wear the tie? Should I act proactively or conservatively?” he mumbled.

The next time when he returned, all doubts and disturbances did not matter. “I am back! I made it! Let’s party!” Ai shouted. The room was soon filled with blessings and even envy.

All 14 residents of the family hostel gathered around for a family-style dinner for the first time in two months. Ai was eagerly sharing all he had witnessed in court, bragging about his quick wit in front of the officer. “Being thousands of miles away from home is uneasy. I am grateful to know and live together with all of you guys,” he said. “If you run into any trouble, no matter immigration, moving, or job issues, remember to call me! Ai Peng!”

All 14 residents had experienced the immigration process. Their various attempts included fake marriage, land expropriation, homosexuality and other topics covered by the Human Rights Reports initiated by the U.S. Department of State.

There was one couple in the group. Others were all alone, either single or divorced because of distance. They were all waiting for good news, news that could change their lives. The mail box opening time was an exciting moment for all. They would swarm to the table to check if they received a letter, although in most cases, they wouldn't understand its content.

While eating, Ai held his guitar and started singing his favorite song, "Old Boys."

The lyrics seem to tell his own story:

How time flies, sunset sunrise,

people meet and then say goodbye.

Adventures make me tired,

home is paradise.

Friends whoever stood beside choose their own sky.

Where to live my simple life?

What can make me satisfy?

I just wanna bless and see my friends,

will they comprehend?

Miss the girl who used to hold my hand,

walk right by my side.

I refuse to let dreams die,

but have no nerve to sacrifice,

Let the time and tide,

blow them dry,

silent no reply.”

Sidebar: Monterey Park, a new Chinatown

In 2010, more than 35 percent of the asylees resided in California. And Monterey Park, the city in which Ai and his acquaintances lived, is a vivid representation of the trend.

Garvey Avenue, the main street of Monterey Park, is surrounded by Asian supermarkets, law firms specializing in immigration consulting services, and signs and posters written in Chinese instead of English.

With 47.7 percent of its residents of Chinese descent, Monterey Park has the largest concentration of Chinese-Americans of all municipalities in the U.S.

“The tension among races is huge in Monterey Park,” said UT Asian studies professor Y. Hsu. “Local businesses are complaining on the Chinese taking over the streets, and many other high density related problems. This resonates the historical hatred against Chinese, when in the past, they are being looked down upon of being lower class and hard to assimilate. Even though now a lot of the migrants are middle class, educated professionals, Americans are still bearing the idea that they just come in and they can buy a house right away.”

Ai lived in a typical Chinese immigrant ghetto called the “family hostel.” Fourteen

people jointly rent the 1,100 square feet, three-bedroom apartment. They share the bathroom, kitchen and other facilities for \$8 a person a day, a fairly low price considering the high real estate price in Los Angeles area.

The group consists of various professionals: web designer, middle-school teacher, market manager. Here, their jobs are almost identical: manual labor.

Living in such hostels provides them many potential advantages: relatively low price, within walking or cycling distance to the working locations, the NO. 70 bus that connects between here and downtown. Additionally, it doesn't require ID and provides a great chance to know the community.

The downside of the "family hostel" is also significant. Chen Bo, real estate agent of the apartment, said "because the mobility rate here is quite high, and anyone can live as long as they pay cash, people's connections are mostly depend on mutual trust."

In the apartment, aside from the lively chatting and angry complaints, the other sound that most frequently heard is the grudging that "I lost my wallet! My dishes are gone! My passport is stolen." But such emotion usually fades without further investigation.

“Safety is definitely the top issue here. You have to be very careful to prevent your things from being stolen, because people are counting on money,” Chen said. “But no one dares to call the police, still because of their undocumented status.”

The situation can get worse, because such family hostels can be a refuge for criminals. According to the World Journal, former “American’s Most Wanted” murderer Nai Yin Xue hid in family hostels in Atlanta for 24 weeks.

Betty Tom Chu, mayor of Monterey Park, said in an email interview that “the concept of family hostel is in itself illegal. Firstly, it is not allowed to engage in business in residential areas. Secondly, the apartment owners are highly suspicious of avoiding taxes through conducting cash transaction only.”

Vincent Chang, a lawyer at the city’s commerce office, said in a telephone interview that “according to California Real Estate Law, the maximum occupancy within a apartment unit conforms to the ‘2+1 rule,’ which means each bedroom can accommodate two and areas other than bedroom can accommodate one in maximum. For example, a three-bedroom apartment can allow seven residents at most, which is far less than many ‘family hostels’ actually operation.”

Law enforcement can be far more difficult than it seems. In a specific case in July 2011, when a group fight was happening inside a family hostel, the neighbor called

911 to resolve the disputes. Though two of the fighters were harshly beaten, neither decided to file charges.

Local police officer Darren Elliot said, “We can do nothing about it if they just want to let it go. Although we noticed the excessive occupants in the house, we cannot prove they are running a hotel business. They can simply respond that they are having a sleepover.”

Chu said, “We are trying to create a nice community for everyone here in Monterey Park, but the family hostel dilemma has been puzzling us for many years. We don’t even know its number. Nothing is distinguishable from the outlook.”

Besides the extreme cases, residents in the family hostels live closely and lively, just like in a traditional Beijing quadrangle courtyard. They share food, clothes, thoughts about work and especially, plans on immigration.

List of sources:

Ai Peng, massage worker at Monterey Park, 323-448-4137

Liu Liansheng, tempura maker at a Japanese restaurant in Hammond, LA,

347-977-6566

Guo Yinghua, 34, housewife and customer at the Jinxing delivery center,

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Medaline Y. Hsu, associate professor at the Center of Asian Studies in the

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Terry Yep, immigration lawyer at New Horizon Immigration Office, Los Angeles,

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Tian Run, Chinese restaurant waiter, 626-782-9638

Zeng Shaocong, researcher at Ethnic and Anthropology Research Institute of the

Chinese Academy of Science, 011-86-010-82649361

[Jason Dzubow](#), writer for the a well-recognized blog site “The Asylumist”, and

lawyer at Dzubow, Sarapu & Pilcher, PLLC, jdzubow@dzubowlaw.com

Huang Runlong, researcher at Nanjing Population Management Institute,

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