

INFORMATION #1

[HTTPS://WWW.FORBES.COM/SITES/STUARTANDERSON/2024/10/27/WHAT-ELON-MUSK-WORKING-ILLEGALLY-SAYS-ABOUT-THE-IMMIGRATION-SYSTEM/](https://www.forbes.com/sites/stuartanderson/2024/10/27/what-elon-musk-working-illegally-says-about-the-immigration-system/)

What Elon Musk Working Illegally Says About The Immigration System

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Elon Musk on March 19, 2004, in Los Angeles, California. Media reports show Elon Musk worked ... [\[+\]](#)

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Media reports show Elon Musk worked illegally in America early in his career, illustrating some of the challenges in the U.S. immigration system. People have viewed the story as ironic, given Musk's strident arguments against illegal immigration. Still, the details highlight how difficult it can be for international students and entrepreneurs to gain permission to work legally in the United States. Compared to his advocacy on other issues, Musk has devoted little time to arguing for improving the U.S. legal immigration system.

Background On Elon Musk's Immigration Status

“Long before he became one of Donald Trump’s biggest donors and campaign surrogates, South African-born Elon Musk worked illegally in the United States as he launched his entrepreneurial career after ditching a graduate studies program in California, according to former business associates, court records and company documents obtained by *The Washington Post*,” reported Maria Sacchetti, Faiz Siddiqui and Nick Miroff.

The reporters found Musk “did not have the legal right to work” when he founded and attracted investment with his brother Kimbal for a company later named Zip2. Kimbal Musk has long been open about their lack of legal status, even explaining in a [video interview](#) that he lied when crossing the U.S.-Canadian border so he could attend a business meeting in Silicon Valley. Immigration attorney Ira Kurzban said, “That’s fraud on entry.” He noted that Elon Musk’s brother could have been permanently barred from the United States. Instead, he became CEO of Musk’s first company.

PROMOTED

“(Elon) Musk arrived in Palo Alto in 1995 for a graduate degree program at Stanford University but never enrolled in courses, working instead on his startup,” according to the *Washington Post*. That means Musk committed at least two immigration violations. First, by failing to take courses, he violated his student status. Second, he did not have authorization to work legally in the United States.

Musk could not continue operating a company accepting venture capital without being legally in the United States and having the right to work. According to the *Washington Post*, Musk was out of status for more than a

year: “A person who joined Zip2’s human resources department in 1997 remembers processing work visas for the Musks and other family members under a category available to Canadians under the North American Free Trade Agreement.”

Read More: [Immigration Service Publishes H-1B Visa Rule Before Trump Takes Over International Students Are Often Blocked From Staying In America](#)

Elon Musk’s story tells us much about the U.S. immigration system. First, it is unsurprising that Elon Musk found he could not stop being an international student and simply start working. Today, while international students can work on Optional Practical Training, that does not guarantee they can be employed in the United States after OPT ends.

Second, international students usually need to gain H-1B status to work long-term. In 1997, employers reached the annual limit of H-1B petitions and have done so every year since 2004. As a result, U.S. Citizenship and Immigration Services uses an H-1B lottery. In recent years, USCIS has selected only about one in four applicants or registrants. The annual H-1B limit is 65,000, plus an exemption of 20,000 for graduate degree holders from U.S. universities, equaling only about 0.05% of the U.S. labor force.

Third, the annual limit for employment-based green cards is also low and, when combined with a per-country limit, can cause individuals from India to wait potentially decades for permanent residence.

Kimbal Musk at the 2022 SXSW Conference and Festivals at Austin Convention Center on March 14, 2022, ... [+]

GETTY IMAGES FPR SXSW

There Is No Immigration Visa For Entrepreneurs

In a 2021 interview, Kimbal Musk said he and Elon would have complied with the law if it was feasible. “I tried to get a visa, but there’s just no visa you can get to do a startup,” said Kimbal. “I was definitely illegal.”

Kimbal Musk is correct that there is no immigrant entrepreneur visa under U.S. law. Congress could have created one as part of the CHIPS and Science Act in 2022. The Democratic majority in the House passed a measure allowing individuals to gain permanent residence if they reached specific startup benchmarks, including attracting venture capital. However, Sen. Charles Grassley (R-IA) blocked the provision from becoming law in a conference committee. Grassley also stopped the bill from including an exemption from annual green card limits for foreign nationals with a Ph.D. in science and technology fields and those with a master’s degree “in a critical industry.”

According to a National Foundation for American Policy [analysis](#), 55% of U.S. billion-dollar startups have at least one immigrant founder. Another NFAP study found immigrants have founded or cofounded nearly two-thirds (65% or 28 of 43) of the top AI companies in the United States. Seventy percent of full-time graduate students in fields related to artificial intelligence are international students.

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Donald Trump Is Unlikely To Liberalize Business Immigration

An [analysis](#) of the Trump administration's policies concluded that while Donald Trump was president, his administration did not enact or propose any measures to expand the entry of high-skilled foreign nationals or immigrants to the United States.

A court blocked Trump officials from toughening policies on "[unlawful presence](#)" for international students who fall out of immigration status. Trump's Department of Labor twice [proposed rules](#) aimed at pricing H-1B visa holders and employment-based immigrants out of the U.S. labor market. [H-1B denial rates](#) soared until a legal settlement forced Trump officials to stop what judges declared a host of unlawful practices. The National Venture Capital Association sued the Trump administration after it refused to implement a program that allowed [foreign entrepreneurs](#) to stay in America.

INFORMATION 2

<https://www.wired.com/story/elon-musk-citizenship-revoked-denaturalized/>

Elon Musk Could Have US Citizenship Revoked If He Lied on Immigration Forms

The richest man in the world appears to have worked in the US without authorization. According to experts, if he did so and lied about it as part of the immigration process, he could be denaturalized.

PHOTOGRAPH: PAULINE LUBENS/GETTY IMAGES

Elon Musk could have his United States citizenship revoked and be exposed to criminal prosecution if he lied to the government as part of the immigration process, according to legal experts.

Musk, who was born and raised in South Africa and later emigrated to Canada before eventually settling in the US and becoming a citizen, has spent more than \$100 million to support Donald Trump and his nativist presidential campaign, and has personally demonized immigrants. A recent Bloomberg analysis found, for example, that Musk has posted around 1,300 times on X this year about immigration and voter fraud. Many of those posts promote the “great replacement” conspiracy theory, which falsely holds that Democrats seek to replace white voters with unauthorized immigrants whose votes they control, and depicts immigrants as dangerous lawbreakers.

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Earlier this week, though, The Washington Post [reported](#) that Musk was himself an immigrant who had apparently broken the law. In the 1990s, he worked illegally in the United States, according to the Post, which cited “former business associates, court records and company documents.”

FEATURED VIDEO

Meet the Far-Right Sheriffs Hoping to “Save” the Election

In 1995, according to the Post, Musk was admitted to graduate school at Stanford but didn’t enroll in classes, instead working on an online services startup that would eventually be known as Zip2. (Stanford did not reply to requests for comment.) In 1996, the Post reported, investors made a funding agreement contingent on Musk and his brother Kimbal—who has [stated](#) that the brothers were “illegal immigrants”—obtaining authorization to work in the US within 45 days. “Their immigration status was not what it should be for them to be legally employed running a company in the US,” Zip2 board member Derek Proudian told the Post.

Musk [denies](#) that he ever worked illegally in the US. (His lawyer, Alex Spiro, and a spokesperson for X, which he owns, did not reply to requests for comment.) He claims that in 1995, as a student, he was in the US on a [J-1 visa](#), which then “transitioned” to an [H1-B visa](#). As the Post reported, though, in a 2005 email that was entered into evidence in a since-closed defamation lawsuit in California, he wrote that he had applied to Stanford because he otherwise had “no legal right to stay in

the country.” Musk then reportedly didn’t enroll at Stanford, instead working on the project that would become Zip2.

2024 US Election

After months of campaigning, scandal, propaganda, and downright weirdness, it all comes down to this.

Someone present in the US on a student visa who didn’t enroll in courses would have had no right to work at the time and would have had to leave the country, according to experts WIRED consulted. (He did ultimately receive work authorization in 1997.)

Overstaying a student visa was, and to a much lesser extent still is, relatively common. Working without authorization and lying about it during the immigration process would be, however, a black-letter violation of US law carrying significant penalties, albeit one enforced fairly rarely, say experts.

Stephen Yale-Loehr, a professor at Cornell Law School and faculty director of its Immigration Law and Policy Program, says that it’s not clear that if Musk worked in the US without authorization and attested he hadn’t, that would be considered important enough to denaturalize him. However, he says, “on purely legal grounds, this would justify revoking citizenship, because if he had told the truth, he would not have been eligible for an H1-B, a green card, or naturalization.”

INFORMATION 3

https://www.lexisnexis.com/community/insights/legal/immigration/b/outsidenews/posts/wapo-elon-musk-worked-illegally-in-us?srsltid=AfmBOoo2i6RXRbwD9T_scldaeXVmiefeAsHKIp3D-sYJ_y68RJ_DNIUV

WaPo: Elon Musk Worked Illegally in US

November 01, 2024(2 min read)

[Yeganeh Torbati, Washington Post, Nov. 1, 2024](#)

"Three decades ago, when Elon Musk launched his career working illegally in the United States, the U.S. immigration system did little to pursue or punish people who violated the terms of student visas, immigration experts said. ... Musk also violated the terms of his student visa, placing him among the ranks of immigrants Trump targeted during his presidency. ... [Trump also has proposed giving green cards](#) to foreign students who graduate from U.S. colleges. But such a policy would not have helped Musk during his period of illegal employment, which appears to have begun in 1995. Musk didn't receive undergraduate degrees from the University of Pennsylvania until 1997, according to the university. Musk — who was born in South Africa, obtained Canadian citizenship through his mother and is now a naturalized American citizen — has [denied working](#) in the United States illegally. He has [said](#) he had a J-1 student visa before landing a specialized worker temporary visa called an H-1B. However, he has declined to answer questions about exactly how and when he obtained the work visa. Last week, [The Washington Post shed light](#) on that question, reporting that Musk arrived in Palo Alto in 1995 for a graduate degree program at Stanford University but never enrolled in courses. Instead, he launched a start-up, Zip2, that later sold for about \$300 million. ... Leaving school left Musk without a legal basis to remain in the United States, according to immigration experts — a fact that was discovered by Zip2 investors, who gave Musk and his co-founders 45 days to obtain legal work status. An immigration attorney advised Zip2's co-founders to downplay their leadership role with the company and scrub their résumés of U.S. addresses that might suggest they were already living and working in the United States, according to documents obtained by

The Post. The attorney also advised Musk to obtain passport-size photos and apply to the U.S. “visa lottery.” ... Musk has never publicly acknowledged his period of illegal status, conceding only that he lived for a time in an immigration “gray area.” But his visa issues could raise separate questions for his security clearance, which he holds as the CEO and founder of SpaceX, an aerospace company with billions of dollars in federal contracts. “At a minimum, a determination that he had been less than truthful with immigration authorities would absolutely be something that security authorities could separately consider as casting doubt on his trustworthiness and good judgment,” Bradley Moss, a lawyer who works in security clearance law, wrote in an email. “If his name was anything but Elon Musk,” Moss said, “the odds are his security clearance would more than likely face revocation under those circumstances.” ”

TAGS:

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