

The Saga of 'Dorismar' and the 'O' Visa

by Rob Sanchez

The "O" visa is one of the few non-immigrant guest worker visa categories that have eluded public debate – until now. The controversy began when an Argentine pin-up girl for *Playboy* magazine was arrested at her Florida home for violating our immigration laws. Dorismar (aka Dora Noemi Kerchen) came to the U.S. on a visitor visa but once here decided to stay in the U.S. as an illegal alien rather than go back to Argentina when her visa expired. Her illegal alien status didn't stop her from buying a house in Doral, Florida, and it didn't impede her from getting jobs in modeling, pornography, singing, and acting. Dorismar became just another one of the millions of illegal aliens that live and work in the U.S. – that is until the morning Immigration and Customs Enforcement (ICE) came knocking on her door.

On January 5, Dorismar was getting ready to sign a contract to be a calendar girl for a trucking company. When she heard pounding on the front door of her peach-colored townhouse she jumped out of the shower and ran down the stairs only to discover that her husband was being handcuffed by immigration officers. Dorismar, who was also arrested, was deported back to Buenos Aires within eight hours of their detention. The swift action by U.S. immigration agents and the speed of the deportation was quite unusual because it's rare when illegal aliens are deported, and most illegals are granted years of appeals.

It's a mystery why ICE went after Dorismar, but speculation exists that a rival Latina model betrayed

her in a classic war of the divas. Rumors in the Hispanic community had it that a sexpot from Cuba named Sissi (aka Isabel Fleitas) finked on Dorismar in order to get the contract for the trucker's calendar for herself. Sissi, who admits to entering the U.S. as an illegal alien, categorically denies that she reported Dorismar to the authorities but that hasn't ended the rampant speculation on Hispanic websites and blogs about who the traitor was.

Dorismar wasn't happy about being deported but she admitted to entering the U.S. and overstaying her visa. In an attempt to re-enter the U.S. Dorismar hired an immigration attorney named Michael Feldenkrais. Many people who have followed this story assumed that Dorismar was trying to get an H-1B visa, which would be a logical choice since there is a provision in H1B for fashion models. Dorismar's attorney recently answered that question when he wrote a letter to the Immigration Lawyer's Website explaining that he was seeking an "O" visa for Dorismar instead of an H-1B. His announcement changed the entire debate.

"O" visas are reserved for foreigners who have proven their extraordinary ability in science, education or business. Typically these visas are granted to aliens who have received internationally recognized awards such as the Nobel Prize. Unlike the H-1B visa, to qualify for an "O" visa the foreigner must truly be the "best and the brightest" in his or her field of endeavor.

Feldenkrais went public on behalf of his client in an unimaginable interview on the MSNBC *Tucker Carlson* show. Feldenkrais argued that his client possesses extraordinary abilities. The most important part of the MSNBC interview, besides the shots of Dorismar's very attractive body parts, was the following statement by Tucker Carlson:

CARLSON: Why should we flood the market with cheap foreign imports, thereby forcing our own porn actresses out of work and depressing their wages?

Rob Sanchez is a Senior Writing Fellow for Californians for Population Stabilization and author of the "Job Destruction Newsletter" at www.ZaZona.com.

Tucker Carlson is one of the few television commentators who understands that nonimmigrant visas are used by employers to flood labor markets in order to lower wages. Give him credit for being able to see the real issue without being blinded by Dorismar's stunning beauty.

In order to determine if Dorismar is qualified to deserve an "O" visa it is necessary to compare her attributes with the major requirements for the "O" visa as defined by USCIS regulations. Let's study the category in those regulations:

Sec. 214.2(1)(o) *Aliens of extraordinary ability or achievement.*

Dorismar's lawyer claims that she has extraordinary abilities to: "show what men like to see in magazines like *Playboy*."

Without question most men will enjoy looking at Dorismar's pictures in *Playboy* magazine but all the women in that publication have the ability to pose in sexually suggestive positions so Dorismar is in no way extraordinary. I give her an above average rating but guessing how much men will get turned on by a particular type of female is highly subjective and therefore not a good criterion to argue for an "O" visa. There are provisions for aliens of "extraordinary ability in the visual arts" but that probably is intended for the world's greatest production artists or theater actors rather than *Playboy* centerfolds.

Sec. 214.2(o)(1)(ii) *An individual alien who has extraordinary ability in the sciences, arts, education, business, or athletics.*

Dorismar's attorney claimed on the *Tucker Carlson* show that she should get a visa because of her "exceptional butt." Hey, I'm not kidding, he really said that on television! Feldenkrais cites Dorismar's curvaceous posterior as the main reason that she deserves an "O" visa. As evidence of her international recognition Feldenkrais mentioned that Dorismar made it on *Mira!* magazine's list of the Top 25 'Rears' in the entertainment business.

Mira! magazine is owned by the *National Enquirer*. Judging by the magazine covers available on the internet it's a low budget rag that comes very short of the "O" visa requirement: that the alien must be recognized in publications that have been judged by national or international experts.

Mira! doesn't come close to qualifying as a recognized expert. *Oxygen Magazine*, which is widely distributed in the U.S., rated Jennifer Lopez as having the shapliest posterior edging out Beyonce and Angelina Jolie. So Dorismar didn't even make it to the top three – even when competing with other Latinas.

Judging beautiful women is a lot of fun but it's very subjective and difficult to quantify. Making *Mira!*'s "Top 25" doesn't qualify Dorismar in the "O" category for international recognition.

Sec. 214.2(o)(1)(ii) *An alien who has a demonstrated record of extraordinary achievement in motion picture and/or television productions.*

Let's have a reality check here. Dorismar starred in *Latinas Gone Crazy* which is about a bunch of drunken college girls. Starring in a grade B movie hardly qualifies her as an outstanding actor. Dorismar cannot make that claim until she achieves a nomination for an Academy award or something comparable.

Sec. 214.2(o)(3)(ii) *Extraordinary ability in the field of arts means distinction. Distinction means a high level of achievement in the field of arts evidenced by a degree of skill and recognition.*

Dorismar is a popular Latina singer but to claim that she has been recognized with distinction is a stretch. Great opera singers like Pavarotti would probably qualify for an "O" visa but not run-of-the-mill pop music stars.

Dorismar promotes herself as a Latina pop-star and soft-porn pin-up girl. Perusing her official website yields clues about the extent of her artistic talent. Her website contains an online scrap book with her pictures (highly recommended), some of her writings (less recommended), and two more videos of her jiggling onstage in a short white skirt (5 stars, two thumbs up!).

By entering Dorismar's website you will be assaulted by one of her songs. There are several music clips and they are all formulaic tunes that sound like they were composed in a corporate boardroom. Dorismar's singing talent is quite average when compared to many other Latina pop music divas, and it goes without saying that Dorismar is definitely no Pavarotti.

In addition to singing, Dorismar also dances.

Judging by the online videos, her dancing is no better than the average go-go dancer at a strip joint. Her eroticism is no substitute for the artful routines of a world class dancer.

Feldenkrais would have a tough time convincing anyone at an immigration hearing that Dorismar meets the requirements for an artist because the truth is that she is a mediocre vocal talent whose claim to fame is derived from jiggling, not singing.

Sec. 214.2(o)(3)(iv)(B)(4) *Evidence that the alien has a record of major commercial or critically acclaimed successes as evidenced by such indicators as title, rating, standing in the field, [and] box office receipts.*

Dorismar's music recordings are very hot sellers in Hispanic communities as well as throughout Mexico and South America, and she sells a lot of tickets for her concerts, so she gets a pass on this test.

Sec. 214.2(o)(3)(iv)(B)(5) *Evidence that the alien has received significant recognition for achievements from organizations, critics, government agencies, or other recognized experts in the field in which the alien is engaged. Such testimonials must be in a form which clearly indicates the author's authority, expertise, and knowledge of the alien's achievements.*

Dorismar may qualify for this one because she entertained Democrats during John Kerry's 2004 Democratic National Convention. Democrats should be proud that they hired a Latina porn star to sing for them, and yet there seems to be no credit given to her on the Convention website even though her appearance there is common knowledge. Since testimonials can be used for evidence Dorismar could ask Sen. John Kerry if he would put in a good word for her. It would be interesting to hear Kerry's opinion.

Sec. 214.2(o)(2)(3)(B)(3) *Published material in professional or major trade publications or major media about the alien, relating to the alien's work in the field for which classification is sought.*

One thing for sure, Dorismar isn't going to get very far on her writing abilities. This is what she has to say about her recipe for romance on her website: "I prefer the open air for a special, motivating and romantic moment." Describing her concepts for

romance on her own website cannot be considered a professional publication, and so she fails this requirement.

Sec. 214.2(o)(2)(3)(iv)(B)(6) *Evidence that the alien has either commanded a high salary or will command a high salary.*

Dorismar probably doesn't come cheap! She performed at venues such as Disneyland and Broadway that probably paid loads of cash for her performances, and she probably made a small fortune posing for *Playboy*. This is another requirement the attorney could probably argue with success.

On first impression it would seem that Dorismar made a poor decision to hire Feldenkrais for legal representation but the choice is proving to be quite astute. Although Dorismar's case for an "O" visa seems to be very weak Feldenkrais seems to be beating the odds – and he doesn't hesitate to communicate with the media to advocate on behalf of his very beautiful client. Feldenkrais confirmed to me via email that he has won approval for Dorismar's contention that she is an "alien of extraordinary ability."

Dorismar has other legal hurdles beside the rigorous requirements for the "O" visa. By Dorismar's own admission she was an illegal alien who got caught and was deported. There is a 10-year bar to admissibility following removal, so somehow she would have to get a waiver of the penalty. Waivers of this type are only issued if it can be proven that allowing the alien into the U.S. is in the national interest. Certainly many men are interested in seeing more of Dorismar, and it could be argued that the U.S. would be a lot more fun if more voluptuous females were given visas, but it's unlikely this line of argument would stand under scrutiny. Until the U.S. creates special visas for beautiful women she should not be allowed to enter the country. Feldenkrais will have a tough time getting a waiver but based on his accomplishments so far it wouldn't be prudent to underestimate his efforts.

If Dorismar wins her case there will be unfortunate precedents set for others who dare to use the "O" visa to gain entry into the U.S. Dorismar's "O" visa will be an insult to all of the great scientists, businessmen, and artists from around the world who

qualified for an “O” visa. Imagine how the next Einstein might feel if he is turned down for an “O” visa knowing that Dorismar got one! A win for Dorismar will set a very bad precedent that will only serve to make our immigration system an even bigger farce than it already is, and the “O” visa will turn into an unlimited cheap labor program like H-1B. ■