

Elon Musk, enemy of ‘open borders,’ launched his career working illegally

PALO ALTO, Calif. — 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.

Musk in recent months has amplified the Republican presidential candidate’s claims that “open borders” and undocumented immigrants are destroying America, broadcasting those views to more than 200 million followers on the site formerly known as Twitter, which Musk bought in 2022 and later renamed X.

What Musk has not publicly disclosed is that he did not have the legal right to work while building the company that became Zip2, which sold for about \$300 million in 1999. It was Musk’s steppingstone to Tesla and the other ventures that have made him the world’s wealthiest person — and arguably America’s most successful immigrant.

Musk and his brother, Kimbal, have often described their immigrant journey in romantic terms, as a time of personal austerity, undeterred ambition and a willingness to flout conventions. Musk arrived in Palo Alto in 1995 for a graduate degree program at Stanford University but never enrolled in courses, working instead on his start-up.

Leaving school left Musk without a legal basis to remain in the United States, according to legal experts.

Foreign students cannot drop out of school to build a company, even if they are not immediately getting paid, said Leon Fresco, a former Justice Department immigration litigator.

“If you do anything that helps to facilitate revenue creation, such as design code or try to make sales in furtherance of revenue creation, then you’re in trouble,” Fresco said.

Musk's freewheeling business approach soon conflicted with Zip2's hopes of becoming a public company or entering a high-profile merger, which would have subjected it to scrutiny by the U.S. Securities and Exchange Commission, according to former associates.

When the venture capital firm Mohr Davidow Ventures poured \$3 million into Musk's company in 1996, the funding agreement — a copy of which was obtained by The Post — stated that the Musk brothers and an associate had 45 days to obtain legal work status. Otherwise, the firm could reclaim its investment.

“Their immigration status was not what it should be for them to be legally employed running a company in the U.S.,” said Derek Proudian, a Zip2 board member at the time who later became chief executive. Investors agreed, Proudian said: “We don't want our founder being deported.”

Another large shareholder at the time, who spoke on the condition of anonymity to discuss sensitive matters, said a minor problem drew additional attention to the Musk brothers' unresolved immigration issues. Musk told co-workers he was in the country on a student visa, according to six former associates and Zip2 shareholders.

“We want to take care of this long before there's anything that could screw up” the company's path to an initial public offering, Proudian recalled.

In Elon Musk's public retelling of his immigration story, he has never acknowledged having worked without proper legal status. In 2013, he joked about being in a “gray area” early in his career. And in 2020, Musk said he had a “student-work visa” after deferring his studies at Stanford.

“I was legally there, but I was meant to be doing student work,” he said in a 2020 podcast. “I was allowed to do work sort of supporting whatever.”

Musk, his attorney Alex Spiro and the manager of Musk's family office did not respond to emailed requests for comment. U.S. immigration records generally are not open to the public, making it difficult to independently confirm a person's legal status.

In 2005, Musk acknowledged in a late-night email that he did not have authorization to be in the United States when he founded Zip2. The email, from Musk to Tesla co-founders Martin Eberhard and JB Straubel, was submitted as evidence in a long-since-closed California defamation lawsuit and said he applied to Stanford so he could remain in the United States legally.

“Actually, I didn’t really care much for the degree, but I had no money for a lab and no legal right to stay in the country, so that seemed like a good way to solve both issues,” Musk wrote. “Then the internet came along, which seemed like a much surer bet.”

Musk never enrolled at Stanford. In a May 2009 deposition, he said he called the department chair two days after the start of the semester to say he wasn’t going to attend. In the same deposition, he said he began working at Zip2 — originally called Global Link Information Network — in August or September 1995.

Upon not enrolling, Musk would have had to leave the country, according to legal experts and immigration laws at the time. He would not have been allowed to work.

While overstaying a student visa is somewhat common and officials have at times turned a blind eye to it, it remains illegal.

The revelation that Musk lacked the legal right to work in the United States stands at odds with his recent focus on undocumented immigrants and U.S. border security, among the issues that have led him to spend more than \$100 million helping Trump return to the White House. If Trump wins on Nov. 5, both men have said Musk could have a high-profile role in his administration.

On X, Musk has become an avid booster of anti-immigrant rhetoric, falsely accusing Vice President Kamala Harris and other Democrats of “importing voters.” Undocumented immigrants are legally barred from voting. In February, he wrote that “illegals in America can get ... insurance, driver’s licenses.”

Musk would have been required to have both to drive a vehicle, which associates attested he frequently did during the time he lacked a legal work permit.

U.S. immigration regulations for foreign students were more lax in the 1990s, before the Sept. 11, 2001, terrorist attacks prompted an overhaul, according to immigration law experts. Musk, who obtained Canadian citizenship through his mother, would not have needed a visa from the State Department to study at a U.S. university. He could simply show U.S. university enrollment documents to U.S. border officers and enter the United States with student status, legal experts said.

Foreign students enrolled in U.S. degree programs may be authorized to work part time and for limited periods to complete their degree requirements. Adam Cohen, author of “The Academic Immigration Handbook” and an attorney who specializes in employment visas, said Musk could obtain work authorization as a student, but that would have required him to be engaged in a full course of study at Stanford.

Otherwise, “that would have been a violation,” Cohen said. If he didn’t go to school, “he wasn’t maintaining his status.”

Ira Kurzban, an immigration law expert and the author of a legal sourcebook used widely by attorneys and judges, agreed.

Kurzban said the brothers’ subsequent applications for work visas and to become U.S. permanent residents and naturalized citizens would have asked whether they worked in the United States without authorization. “If you tell them you worked illegally in the U.S., it’s highly unlikely you’d get approved,” Kurzban said.

Kimbal Musk leaves the stage after speaking at a blockchain event on Feb. 18, 2022, in Denver.© Michael Ciaglo/Getty Images

Kimbal Musk has repeatedly acknowledged working in the United States without legal status — describing his experience as evidence of a dysfunctional U.S. system that blocks talented foreigners. In a 2013 onstage interview alongside his brother, he said they were sleeping in the office and showering at the YMCA when they joined the dot-com gold rush.

Then investors began offering them huge sums of money and buying them cars, he said, only to find out that the brothers had no legal permission to work in the United States.

“In fact, when they did fund us, they realized that we were illegal immigrants,” Kimbal said in the 2013 interview.

“Well,” Elon said.

“Yes, we were,” Kimbal said.

“I’d say it was a gray area,” Elon replied, to audience laughter.

“We were illegal immigrants,” Kimbal said flatly.

Kimbal has also said he misled U.S. federal agents to reenter the United States for a crucial investor meeting after visiting his mother in Canada. When U.S. officers searching his luggage at the airport discovered his business cards and California address, they realized he was traveling for work — without authorization.

After they turned him away, he said, he enlisted a friend to drive him over the border, telling officers they were headed to see David Letterman’s show. Officers waved them through and Kimbal made it to the meeting.

“That’s fraud on entry,” said Kurzban, the immigration expert. “That would make him inadmissible and permanently barred from the United States,” he said, unless the penalties were waived.

Kimbal Musk did not respond to requests for comment.

Last month, Elon Musk called himself “extremely pro immigrant, being one myself. However, just as when hiring for a company, we should confirm that anyone allowed into the country is talented, hardworking and ethical.”

But Musk appeared to have benefited from his backers’ initial inattention to his own status, according to former business associates.

“Perhaps naively we never examined whether he was a legal citizen,” said one key investor in Musk’s first company, speaking on the condition of anonymity because of the sensitive nature of the issue. “He had a burning desire to be successful. We were investing in him. ... We felt that he was really driven.”

Musk's fortune has its roots in this period, which fueled his rise in Silicon Valley and provided seed funding for later ventures, including X.com, a predecessor to PayPal. (Musk later revived the name when he bought Twitter.) Musk was chief executive of PayPal until September 2000, when board members ousted him. Two years later, eBay acquired PayPal, earning Musk roughly \$176 million, which he used to make later bets on Tesla and SpaceX.

PayPal CEO Peter Thiel, left, and founder Elon Musk at its corporate headquarters in Palo Alto, California, in 2000. © Paul Sakuma/AP

A 2023 authorized biography by Walter Isaacson asserted that the Musks had needed visas and investors at Mohr Davidow Ventures lined them up with an attorney to secure them, but it included few further details. Biographer Ashlee Vance also reported that the investment firm got the brothers visas. Neither reported that Musk had been working without authorization.

Mohr Davidow Ventures did not respond to a request for comment.

Documents obtained by The Post show that Zip2's executives met with immigration attorney Jocelyne Lew on Feb. 21, 1996, to discuss potential visa pathways for the Musk brothers and another Canadian co-founder. Lew advised the men to downplay their leadership roles with the company and scrub their résumés of U.S. addresses that might suggest they were already living and working in the United States, the documents show.

Lew encouraged Musk to seek another student visa from the University of Pennsylvania, where he had studied as an undergraduate, the documents show. She also directed him to obtain passport-size photos that would allow him to apply to the U.S. "visa lottery," according to the files.

Lew did not respond to requests for comment.

Proudian, the former Zip2 board member and investor, said the board worried that the founders' lack of legal immigration status would have to be disclosed in an SEC filing if the company were to go public. He recalled the Musks' work authorizations coming through around 1997.

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 (NAFTA).

Legal experts said Elon Musk also might have violated the law by persuading his brother to come run the company. A 1986 federal law made it a crime to knowingly hire someone who does not have work authorization. Musk said in 2003 and 2009 that he "convinced" Kimbal to come from Canada to work for his company.

Records filed with the California secretary of state show Elon Musk was the registered agent for Global Link Information Network when it incorporated in November 1995. On Feb. 26, 1996, the company listed Kimbal as president and CEO and Elon as secretary.

"I tried to get a visa, but there's just no visa you can get to do a start-up," Kimbal said in a 2021 interview. "I was definitely illegal."