

[Post-Sept. 11 law closes U.S. to tens of thousands of refugees Actions under duress count as aiding terrorists](#)

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**(08-20) 04:00 PDT Quito, Ecuador** -- When the guerrillas came to Sara's rural home in Colombia demanding food, she complied. When they ordered her to wash their fatigues and polish their boots, she did that, too. And when they came for her husband in March, he went along.

If you refuse, "they rape you, they kill you ... and nobody says anything," said Sara, 20, while waiting for housing assistance at a Catholic charity in this capital city. The guerrillas "have roadblocks with names, lists and identity numbers. They catch you and leave you floating in the river."

After leftist guerrillas of the Revolutionary Armed Forces of Colombia (FARC) forced Sara to leave her home, she fled to neighboring Ecuador, leaving a baby daughter with her parents. Sara -- who asked that her last name not be identified -- has no idea what happened to her 21-year-old husband.

Like most of the 250,000 Colombian refugees in Ecuador, Sara wants to live in a country where she can feel secure from rebels who have been known to cross the border pursuing refugees. In Colombia, the 17,000-member FARC and the 4,000-member National Liberation Army are fighting U.S.-backed government forces and the United Self-Defense Forces of Colombia, a right-wing paramilitary militia.

A few years ago, Sara's ordeal would have made her a strong candidate for political asylum in the United States. But now, under post-Sept. 11 laws, she could be branded a terrorist collaborator because of an expanded definition of what constitutes a terrorist.

A clause in the USA Patriot Act known as the "material support rule" considers support for terrorism to include any type of aid, no matter how minimal -- even a glass of water. There are no exceptions, not even for those who are threatened by terrorists or who provide assistance unwittingly.

Refugee rights advocates say the law's narrow interpretation punishes tens of thousands of people fleeing violence in Latin America, Asia and Africa for abuse suffered at the hands of terrorist groups. They are asking the Bush administration to issue waivers and reinterpret these laws -- including the Real ID Act of 2005, which dramatically expands the definition of a terrorist group to include any group of two or more armed persons who illegally engage in violence.

These laws are "having consequences which nobody intended," said Jennifer Daskal, director of Human Rights Watch's U.S. programs. "Every single congressional office with whom we have discussed this, Republicans and Democrats, agree."

It also includes African refugees forced to provide services to groups fighting their governments, as well as victims of Maoist rebels in Nepal. In Thailand and Malaysia, many of the more than 100,000 Burmese in refugee camps and in jungle hideouts would also be barred from U.S. resettlement for aiding armed groups opposing that nation's repressive military government, which the U.S. government also opposes.

Refugee rights advocates cite the case of a Liberian woman whose father was killed by rebels and who was gang-raped, kidnapped, held captive and forced to wash rebels' clothing before escaping to a refugee camp. Department of Homeland Security officials have put her application for asylum on hold under the material support rule.

The advocates also tell of a Burmese man who permitted his uncle, a member of a rebel group, to sleep in his home. The United Nations has recognized the man as a refugee eligible for resettlement, but the material support clause bars his entry into the United States. In rebel-controlled Burma, "you can't dissociate yourself from the rebel groups," said Bunny Kacher, a Burmese immigrant who is an activist in the 3,000-member Bay Area Burmese community. "You go to the same church as they do."

To be sure, refugee rights advocates point out that there are exceptions for those who have been coerced to join totalitarian or communist organizations. In April, the Bush administration issued a waiver allowing some 10,000 Christian Burmese from a refugee camp in Thailand to enter the United States. Christian and refugee groups had fiercely lobbied the government, some observers say.

As for Colombians who have endured a 4-decade-old civil war, U.S. legislation has nearly shut down their resettlement to the United States, even though increasing violence has caused a new surge of refugees into Ecuador in recent months. In 2003, Washington pledged to receive up to 5,000 Colombians annually in a federally funded program.

But after U.S. officials began enforcing the material support rule in 2005, the numbers plummeted from 577 in 2004 to 17 through the end of April 2006.

Legislators are working to amend the law.

"The longer it takes (to change the rules), the greater possibility there is for deserving and legitimate refugees to be trapped in situations of torture and other forms of persecution," Reps. John Conyers, D-Mich., and Zoe Lofgren, D-San Jose, wrote in a March letter to Michael Chertoff, secretary of the Department of Homeland Security.

In April, Sens. Patrick Leahy, D-Vt., and Norm Coleman, R-Minn., introduced an amendment that would narrow the definition of terrorist groups to those listed by the State Department and create exceptions for people who provide support under duress.

Even the Department of Homeland Security's U.S. Citizenship and Immigration Services is working to amend the law, said spokesman Bill Strassberger.

But he could give no date when those changes would occur. "It's a very complex process to aid people fleeing persecution and not aid the people that persecuted them," he said. He cited cases of people who claim they committed murder under coercion in the Rwanda genocide.

If the law were made too flexible, he argues, even members of the Taliban, once considered U.S. allies against Afghanistan's former communist government, might benefit by claiming they acted under duress, too.

Strassberger says there are thousands of cases on hold that could be reopened in the future. The State Department estimates that 10,000 refugees who could have entered the United States in 2006 will be turned down because of the material support rule.

Nelson, who also refused to give his last name for fear of reprisal, falls into that category.

The 28-year-old Colombian coffee farmer fled to Quito with his family two years ago to escape right-wing paramilitaries' demands that he join their ranks.

He said families in the Caldas region of Colombia where he lived were forced to make weekly payments to the paramilitaries -- qualifying them as supporters of terrorism.

In Ecuador, Nelson has survived as a street vendor, selling flowers.

But recently, he said, he received threatening phone calls by men identifying themselves as members of the United Self-Defense Forces of Colombia, the main right-wing paramilitary group.

The word "stool pigeon" was spray painted on his house.

"The paramilitaries and the guerrillas have many people here," he said. "I have three children and want to see them grow up."

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