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U.S. Pushes Proposal to Admit Refugees Who Unwittingly May Be Tied to Terrorist Groups

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The Homeland Security, Justice and State departments are working to get a bill introduced in the Senate that would expand their authority to admit political refugees into the United States, even if they have taken up arms against or aided foreign regimes.

Patrick J. Leahy, D-Vt., attached provisions to the Iraq war supplemental spending bill (HR 1591) that would have changed the immigration code to allow some individuals tied to terrorist groups to enter the United States as refugees. However, Jon Kyl, R-Ariz., issued a point of order on March 29 that effectively removed that language from the bill. He said he approved of the provisions' rationale, but not the specific language.

The latest proposal has been sent to both Leahy and Kyl and would amend the Immigration and Nationality Act of 1952 (PL 82-414) to create the new authority for DHS and the State Department.

“The administration has sent a proposal to the Hill,” said Kelly Ryan, deputy assistant secretary of State at the department’s Bureau of Population, Refugees and Migration. “This is not just a practical step. This is a battle of ideas.”

He made the remark Wednesday at an event sponsored by the Heritage Foundation.

Under the proposal, refugees who have fought against “oppressive” regimes — especially in cases where the fighting has furthered U.S. foreign policy — could enter the country if the secretary from either the Homeland Security or State departments decide to waive restrictions. Both departments would be required to consult with the U.S. attorney general before extending a waiver.

Even refugees who have provided material support (perhaps coerced) for terrorist groups, such as providing food or shelter, would be eligible for the waiver as long as the groups they aided fall under the tier III category.

DHS is currently putting together operations guidelines for implementing the waiver process and ensuring that sufficient evidence of duress supports a refugee’s entry into the country.

Tier I and tier II terrorist groups, such as al Qaeda, Hamas or Hezbollah, constitute more serious threats to the United States and its interests, according to the State and Treasury departments' internal ranking system. A group's conduct — as defined by the Immigration and Nationality Act — determines whether it falls under the third tier.

Tier III groups are generally lesser-known organizations that have been deemed less threatening to Americans.

Some Colombian and Burmese people who fought against or unwillingly helped the military regime governing Myanmar and the Revolutionary Armed Forces of Colombia have already been assisted in their immigration to the United States by the Homeland Security and State departments between 2004 and 2007.

The bill drafted by the departments could authorize the executive branch to help other people who have fought or aided other tier III groups, such as the Alzados, an anti-communist Cuban group that unsuccessfully fought the Fidel Castro regime between 1959 and 1965, Ryan said.

Some members of the executive branch even favor extending the Homeland and State departments' authority to waive immigration bans for people who have unknowingly helped some higher-tiered terrorist groups, according to Paul Rosenzweig, acting assistant secretary for international affairs and counselor for policy directorate at DHS.

People who fight for the Sri Lankan revolutionary group, the Tamil Tigers, might be a good example of a higher-tiered group where refugees might be considered for waiver in the future, he added.

President Bush authorized 70,000 refugees to be permitted for immigration in 2006, but Congress only provided funding for only 50,000.

Brian W. Walsh, a senior legal research fellow at the Heritage Foundation's Center for Legal and Judicial Studies, said he would like to see the government allow more refugees to enter the United States. If certain people are barred from entering the country, others from more permissible parts of the world should be allowed to enter, he added.

Since World War II, approximately 2.6 million refugees have emigrated to the United States, Walsh said.

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