

Turning refugees into 'terrorists'

A U.S. legislative trap

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THAM HIN, Thailand: The Karen refugees from this camp on the Thai-Burmese border do not know it yet, but perhaps their miserable existence in legal limbo will end soon, thanks to the results of the midterm elections in the United States.

The new Congress in Washington will have a full plate of issues to deal with, domestic and international. Among the wrongs to right is one of global reach that hurts refugees who have already been victims in their own countries and are now in need of international protection.

After the Sept. 11 attacks, Congress passed immigration and national security laws that use new definitions of who is a terrorist. Instead of the previous definition, which focused on the targeting of civilians, terrorists are now defined as individuals or groups who use any dangerous device for virtually any reason, including in defense against persecution or tyranny.

Thus the law makes no distinction between genuinely bad individuals who blow up planes, subway stations or other civilian locations and take lives, and freedom fighters who carry out a legitimate struggle against a repressive regime. Among the latter, many have a well-founded fear of persecution and need to be resettled in another country as a form of protection. This is when the draconian laws hit them. These heroes who stood up to oppression back home are branded terrorists and as such cannot be admitted to the United States.

As if this labeling were not indiscriminate enough, there is an even harsher one, "material support." This may sound like an innocent synonym for philanthropy or charity, but in the United States it means "providing aid," in this instance to "terrorists." And since "terrorist" is nowadays such a broad category, the ranks of those barred from entering the United States are growing. Those deemed to have provided material support to terrorists include West African women who were raped by rebels and forced to house and feed their attackers.

This overzealous legislative approach has had devastating effects on America's traditionally generous resettlement program. In the fiscal year 2006, instead of the planned 70,000 new refugees, only 41,000 were accepted.

To its credit, after a barrage of criticism, the U.S. administration has recognized the deficiencies of these definitions and issued three waivers concerning providers of "material support" (although the waivers do not apply to those who were actual freedom fighters).

This opened the possibility for more than 9,000 Karen refugees living here in Tham Hin to be considered for resettlement in the United States, as well as the rest of the Karen in Thailand and Chin refugees from Myanmar living in Thailand, Malaysia and India.

A side effect of the bar on combatants is that Tham Hin is becoming a repository of heroes, a Hall of Fame for Karen who courageously defended their people against the attacks committed by the Burmese junta but who are stranded in this camp.

Neither are the former Lao Hmong combatants whom I talked to in Bangkok covered by any waiver, although they were recruited by the CIA during the Vietnam War. The U.S. legislation brands them as terrorists even though they fought at the direction of the United States.

The same applies to the Vietnamese Montagnards, who were so trusted by the U.S. special forces, and to the Cuban anti-Castro groups called Alzados who in the 1960s had the full support of President John F. Kennedy. Now, 160 of them and their families are barred forever from going to the United States.

The child soldiers I met in eastern Congo or in northern Uganda - in demobilization centers where they are helped back into civilian life - have been drafted by force into rebel groups. But since there is no exception for acts committed under duress, these children will never be able to come to the United States, should they need to find a new home.

Some individual stories border on the absurd. After guerrillas took livestock as war tax from two sisters, Colombian peasants, and then raped them and killed the husband of one of them, the two women were advised to apply to Canada for resettlement. This, said the UN refugee agency helping them, was because "items (e.g. farm animals) provided under duress are still deemed to be material support under U.S. law."

Some other stories are human dramas "made in the U.S.A." Kawk Pah Khat, 76, nicknamed Silver Fox, is part of the camp committee here in Tham Hin, a proud veteran of the Karen National Liberation Army and for more than eight years a political prisoner. His elder son, 28, is already in Utica, Minnesota, with his wife and two children. His younger son was just approved for resettlement to the United States. But Kawk Pah Khat may have to go to Norway because American soil is off limits for him: He is a "combatant."

When President George W. Bush, speaking directly to the citizens of undemocratic countries, said during his second inaugural address that "When you stand for your liberty, we will stand with you," this bizarre situation could not have been what he had in mind.

Let's hope the new U.S. Congress rewrites terrorist definitions used in its legislation so that bona fide refugees will be fairly considered for refugee and asylum status - not punished for the courage and commitment they have demonstrated in opposing vicious regimes.

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