

**ADMINISTRATION'S ACTIONS TO ADDRESS  
THE MATERIAL SUPPORT PROBLEM  
AS OF March 2007**

**June 2004:** Advocacy groups learn that DHS is considering changing its policy and may apply the “material support” bar to the admission of Colombian refugees who have been forced to provide money or goods to the FARC or other designated terrorist groups.

**October 2004:** Advocacy groups learn that DHS is placing all Colombian refugee cases “on hold” due to the material support bar. UNHCR stops referring Colombian refugee cases to the U.S. Refugee Program after UNHCR determines that 70-80 percent of refugees are subject to the new interpretation of material support. The U.S. program for Colombian refugees is virtually shut down. UNHCR and refugee advocacy groups begin raising this issue with the Administration.

**November 2004:** Refugee advocacy groups send letter to DHS Secretary Tom Ridge urging him to address the material support problem. This is the first of many letters sent to Administration officials over the next 2 \_ years, including Phil Perry, Steven Hadley, Ambassador Kozak, DHS Secretary Chertoff, DOS Secretary Rice, Attorney General Gonzales, President Bush, and others.

**July 2005:** Refugee advocacy groups learn that 400-500 asylum cases are on hold due to the material support bar, and that DHS is working on establishing a process to issue waivers in appropriate cases. [This number has grown to 621, and to date no process has been established for issuing waivers and adjudicating these claims].

**May 2006:** On May 3, 2006, after other refugee groups in addition to the Colombians are barred due to the material support bar (including Burmese, Hmong, Montagnards, and Cubans)—and 1 \_ years after the material support bar began halting the admission of refugees—Secretary of State Rice issues the first material support “waiver.” Secretary Rice states that the material support bar is inapplicable to ethnic Karen refugees in the Tham Hin camp in Thailand who provided support to the Karen National Union (KNU) or the Karen National Liberation Army (KNLA). Karen refugees and asylum seekers who are not currently present in the Tham Hin camp are not covered by this waiver; refugees and asylum seekers who gave money to the KNU or KNLA but are not ethnic Karen are also not covered.

*Progress Made: Processing of refugees at the Tham Hin camp has resumed. There were about 9,300 ethnic Karen refugees from Burma in the Tham Hin camp when processing began. Approximately 20 percent remain statutorily ineligible for a waiver because they received military training or were actively engaged in resistance against the Burmese regime.*

**August 2006:** Secretary Rice determines that the material support bar is also inapplicable to Karen refugees in other camps in Thailand who provided support to the KNU or the KNLA.

*Progress Made: Processing of refugees in these camps has resumed.*

**October 2006:** Secretary Rice issues waiver for Chin refugees from Burma living in Thailand, Malaysia, or India who provided support to the Chin National Front or the Chin National Army.

**Progress Made:** *Processing of these refugees has resumed.*

**January 2007:** The Secretary of Homeland Security makes several announcements:

- The Administration announces it will issue waivers to individuals who have provided material support to several new groups: the Chin National League for Democracy, the Kayan New Land Party, the Arakan Liberation Party, the Karenni National Progressive Party (all of these groups have resisted the Burmese regime), the Tibetan Mustangs, and the Cuban Alzados.

**Progress Made:** *Unclear. Waivers have not been released to the public. In addition, Tibetan Mustangs are unlikely to be resettled in the U.S. in the near future, so the waiver for this group has little practical effect.*

- The Administration announces it will seek legislation to expand the material support waiver to include members of these organizations and those who fought against oppressive regimes.

**Progress Made:** *Unclear. The Administration has not formally presented proposed legislation to Congress.*

- The Administration announces that it will apply these waivers, as well as the previously issued waivers for those who gave support to the KNU and KNLA, Chin National Front, and Chin National Army, to asylum seekers in the United States.

**Progress Made:** *None. As far as we know, the Administration has not yet issued a waiver for a single asylum seeker. Notably, there are several cases pending before the Fifth Circuit involving individuals who are being barred from asylum due to support they gave to the Chin National Front, yet even those individuals have not yet been granted a waiver and have no process by which to apply for one.*

- The Administration announces it will exercise its discretionary authority to permit consideration of applications for refugee status, asylum, and adjustment of status from individuals who have provided material support to undesignated “terrorist” groups (Tier III groups) while under duress.

**Progress Made:** *None. Refugee groups and staffers have voiced their concern over a duress waiver that is limited to tier three groups. Under this proposal, refugees and asylum seekers who have been victimized by designated Tier I and Tier II terrorist groups—which the U.S. has so designated because they are the worst terrorist groups in the world—would continue to be denied an opportunity to be considered for a waiver under this proposal.*

**March 2007:** The Department of Homeland Security announces that it will exercise its discretionary authority to permit consideration of applications for refugee status, asylum, and adjustment of status from individuals who have provided material support to designated terrorist groups (Tier I and Tier II) while under duress.

**Progress Made:** *None. To date, no such waivers have been issued and no process has been established for applying such a waiver. The Administration issues this announcement two days before Senate staff decides to incorporate a duress exemption into a proposed legislative fix. A week after this announcement, representatives from Citizenship and Immigration Services state that they have heard nothing about this decision.*

## **Where are we now?**

- *No asylum or adjustment of status applicant has yet been issued a waiver, and there remains no mechanism for such individuals to apply for a waiver. 621 asylum applicants remain on indefinite hold because of these bars. While these individuals are “safe” in the U.S., at least for the time being, unless and until they are granted asylum, they cannot petition for their spouses and children to join them in the U.S.*
- *At least 4,000 adjustment of status cases filed by refugees and asylees remain on hold because of material support.*
- *An unknown number of asylum seekers in removal proceedings are at risk of deportation because there is still no process by which to apply for a waiver. These individuals may be returned to their persecutors.*
- *The Administration has adopted a policy of denying family reunification visas based on a retroactive determination that an already-admitted asylee or refugee in the U.S. has provided “material support.” None of these cases are being considered for waivers.*
- *Applying the already announced group waivers to asylum seekers and adjustment of status applicants in the U.S., while important and consistent with the purpose of the waivers, in actuality provides minimal relief at this point in time. While some asylum seekers will benefit from the application of the already-issued waivers, in fact there are currently relatively few asylum seekers or adjustment of status applicants from Burma, Tibet, or Cuba. Most asylum seekers currently on hold need to apply for waivers on an individual basis in order to be allowed to present their asylum claims—and the Administration has yet to create a process for them to do so.*
- *Colombian refugees continue to be denied any form of relief.*