

Terrorism and Security Related Bars on Admission:
The Truth About the Pitts Legislation to Protect Vulnerable Refugees

The Pitts legislation is narrowly targeted to protect vulnerable refugees from being barred from this country. It does two things: (1) It ensures that groups that U.S. supports and that support the U.S. – such as anti-Castro movements in Cuba, and ethnic resistance movements in Burma, and Montagnards and Hmong who supported U.S. troops during the Vietnam War – are not inadvertently labeled “terrorist organizations;” (2) It protects refugees who forced at threat of death or serious bodily injury to provide food, water, or shelter to armed rebel groups from being labeled as “supporters of terrorism” and denied admission to the U.S.

The legislation does not affect any of the following bars on admission which will protect the U.S. from any would-be terrorists.

Security, terrorism, and crime related reasons:

a) *Security and terrorism:*

1. An alien who seeks to enter the US to engage in espionage or sabotage; or the export of prohibited goods or sensitive information; or any unlawful activity; or to engage in any activity which seeks to oppose or overthrow the US Government by unlawful means.
2. An alien who has engaged in terrorist activities¹.
3. An alien who is engaged in, or is likely to engage in terrorist activities after entry to the US.
4. An alien who has incited terrorist activity.
5. An alien who is a representative of a designated terrorist organization; or a group that supports terrorist activity.
6. An alien who is a member of a designated terrorist organization.
7. An alien who supports or espouses terrorist activity.
8. An alien who has received military-type training from any organization that is a designated terrorist organization.
9. An alien who is the spouse/child of a person engaged in terrorist activity in the last 5 years, if the spouse/child knew of or should have known of the activity and did not renounce it.
10. An alien who has been associated with a designated terrorist organization and who will engage in acts against the welfare, safety or security of US if admitted.

¹ Note on “engage in terrorist activity”: The following acts are included within terrorist activity:

1. To commit, or incite, terrorist activity.
2. To prepare or plan terrorist activity.
3. To gather information on potential targets for terrorist activity.
4. To solicit funds or other things of value for a terrorist activity or organization.
5. To solicit another person to engage in terrorist activity.
6. To afford material support for the commission of a terrorist activity or to a terrorist organization.

11. An alien whose admission would have serious negative foreign policy consequences for the US.
 12. An alien who is or was affiliated with the Communist or other totalitarian party; an alien who participated in Nazi persecution, or who participated in genocide, torture or extrajudicial killing.
- b) *Criminal convictions and behavior*: a crime involving “moral turpitude”; a crime relating to a controlled substance; convicted 2 or more times where the aggregate sentence was 5 years or more; controlled substance traffickers, or a spouse or child of a trafficker who obtained a financial benefit from the trafficking and knew of it; aliens who come with the intent to engage in prostitution or who have done so in the past 10 years; aliens engaged in criminal activity in the US and who left the US after being granted an immunity; government official violations of religious freedom; traffickers in persons; money launderers.

Other reasons

- a) *Public charge*: an alien who is likely to become a public charge in the US (considering age, health, assets etc.).
- b) *Labor certification*: an alien who seeks to enter for employment may be inadmissible where there is a determination that there are sufficient US workers for the employment.
- c) *Present inadmissible aliens*: an alien present in the US without being admitted or paroled, or who fails to attend a removal proceeding, or who misrepresents a fact to obtain admissibility, or who is a stowaway, or who is a smuggler, or who forged documents, or student visa holders who violate the terms of the visa.
- d) *Documentation*: an alien who does not have the correct visa/passport documents.
- e) *Health related reasons*: having a communicable disease of public health significance, including AIDS; failing to be vaccinated against certain diseases; having a mental or physical disorder that may pose a danger to others; having a drug addiction.
- f) *Miscellaneous*: an alien who will practice polygamy in the US; or who is the guardian of an inadmissible helpless alien; an alien who abducts a US citizen child outside the US or those who assist; an alien who voted in contravention of a law; a person who renounced their US citizenship to avoid taxation; an alien who is permanently ineligible for citizenship; a person who left or stayed outside the US to evade draft; certain aliens ordered removed who seek readmission.