

## LEAHY LEADS BIPARTISAN COALITION TO PROTECT GENUINE REFUGEES FROM UNINTENDED EFFECTS OF MATERIAL SUPPORT' LAW

May 23, 2006

The following information was released by the Office of Vermont Senator Patrick Leahy:

The bipartisan amendment I offer today with Senators Coleman, Kennedy, Sununu, Lieberman, Chafee, Harkin, and Bingaman will help to alleviate the harsh, illogical and unintended consequences of changes made to our immigration laws after September 11. The laws were modified in the interest of protecting national security, but the Congress cast such a wide net that we are now preventing our government from granting asylum to legitimate refugees who have been the victims of persecution.

The PATRIOT Act and the subsequent REAL ID Act modified definitions of "terrorist activity" and "material support" in order to block entry into the United States of individuals who assist terrorist organizations. On its face, that made sense. No one wants terrorists or their supporters to come here as refugees.

But the new law failed to recognize that many foreigners, including children, are forced against their will to give food, shelter or other assistance to terrorist groups.

It also defined "terrorist organization" so broadly that groups that are NOT engaged in activities against civilians - freedom fighters that the U.S. Government once provided training and other material support to - like the Montagnards in Vietnam - are also caught in this broad definition.

Our amendment would bring American laws once again into line with American values. It would give U.S. officials the ability to separate the victims from the aggressors, and it will bring our immigration laws into harmony with our government's foreign policy. We can prevent the entry of those who would do America harm without closing our borders to genuine refugees who urgently need our help.

Let me give a few examples, for anyone who might question whether this amendment is necessary. A 13-year-old girl is kidnapped, forced to become a member of the Lord's Resistance Army in Uganda, and to become a soldier and the "wife" of one of the commanders. Obviously, she is a victim, but she is ineligible for admission as a refugee under current law. That is wrong. In fact, it's immoral.

The same goes for people who have been forced to provide "material support"

to the FARC, a terrorist group in Colombia. The support they gave was digging graves for other victims of the terrorists or giving them food, all of which was done under threat of torture and death. Or a Liberian woman who was kidnapped by a rebel group and forced to serve as a sex slave. Because she was also forced to cook and do laundry for the rebels, under current law she provided material support. That makes absolutely no sense. We are punishing her for being a victim when what she needs is asylum.

People who are barred for supporting a terrorist organization - which is broadly defined as any group of two or more people fighting a government - includes refugees who our own government has long supported. Vietnamese Montagnards, who supported the United States 35 years ago, are barred. Members of the Karen tribe fighting against the Burmese junta, are barred. Some anti-Castro Cubans are barred. Afghans who fought with the Northern Alliance and even the NATO soldiers who trained them, are barred. We never intended this.

After eight months of inter-agency inertia, the Secretary of State recently issued a waiver for one group of Burmese refugees who live in a refugee camp in Thailand. The use of the waiver authority was long overdue and I welcomed the Secretary's action. But the waiver was too limited, and will help only a minority of those deserving help, who are waiting to be resettled here. When the waiver was issued, the State Department asserted that it did NOT plan to extend it to other groups in the near future. Infighting between Executive Branch agencies is preventing people who have been victimized in the most brutal ways from obtaining asylum.

The bipartisan amendment that we offer today modifies the law so that before the overly broad definition of a terrorist organization is applied to a group of two or more individuals, the Secretary of State must determine that that group engages in terrorist activity which poses a threat to U.S. nationals or the national security of the United States. That is the right balance. It protects our security, and it provides sanctuary for victims of repression.

The amendment ensures that the waiver in current law is available to asylum seekers who were forced to join terrorist groups or to provide material support against their will. Completely innocent victims of ethnic and other forms of violence and repression are being denied asylum for engaging in the very activity that they were forced to engage in, even though they pose no threat to our national security. They deserve our compassion. Let us bring our laws back in line with our values.

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Summary Of Leahy-Coleman Amendment # 4117

To Protect Genuine Refugees From Unintended Consequences

## Of The "Material Support" Law

The Leahy-Coleman amendment gives greater discretion to the Administration to permit the admission of genuine refugees, while making clear that no refugee is admissible who poses a threat to national security.

The Leahy-Coleman amendment does two things:

Gives discretion to the Secretary of State, in consultation with the Attorney General and Secretary of Homeland Security, to admit members of such groups as the Burmese Karen or the Montagnards, if they do not pose a threat to the security of U.S. nationals or the national security of the United States.

Gives discretion to the Secretary of State, in consultation with the Attorney General and Secretary of Homeland Security, to admit individuals who have been the victims of coercion and threats, provided they also pose no threat to the security of U.S. nationals or the national security of the U.S.

Current law bars admission to the U.S. of any member of a "terrorist organization," which is defined broadly in the REAL ID act to include "two or more individuals" who engage in any terrorist activity or provide "material support" to such an organization. The law provides a waiver for the Secretary of State, but not for membership in such an organization.

The result is that groups that fall within the broad definition of a terrorist organization include the Vietnamese Montagnards, who the U.S. trained and supported; the Karen National Front who are fighting the Burmese junta and who the U.S. also supports; certain Cuban democracy activists; and even members of the Afghan Northern Alliance who the U.S. supported.

The effect of current law has also been to deny admission to genuine refugees who have been forced against their will to join or support terrorist organizations; for example, to provide food, shelter or other support under threat of death.