

Conservatives Decry Terror Laws' Impact on Refugees

Administration's Interpretation Means Many Asylum-Seekers Are Wrongly Considered Security Threats, Critics Say

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Conservatives who supported President Bush's reelection have joined liberal groups in expressing outrage over his administration's broad use of anti-terrorism laws to reject asylum for thousands of people seeking refuge from religious, ethnic and political persecution.

The critics say the administration's interpretation of provisions mandating denial of asylum to individuals who give "material support" to terrorist groups is so broad that foreigners who fought alongside U.S. forces in wars such as Vietnam can be denied asylum on the grounds that they provided aid to terrorists.

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Advocates for refugees add that people who were forced to aid terrorist fighters at gunpoint could be labeled as supporters and turned away;

Vager Vang, a Hmong refugee, lives in California with his wife, Yeng Xiong. Though Vang fought alongside U.S. forces during the Vietnam War, his green-card application has stalled. Under anti-terrorism laws, former fighters such as Vang could be considered terrorists. (By Gary Kazanjian For The Washington Post)

such cases include a nurse who was abducted and told to treat a guerrilla fighter in Colombia and a woman in Liberia who said her father was killed and she was raped and forced to stand by as rebels occupied her home for several days.

"This is so indefensible," said Michael Horowitz, a fellow at the conservative Hudson Institute and a former lawyer in the Reagan administration. "It is causing heroes who fought for the United States to be afraid of being deported."

"It's outrageous," said Barrett Duke, vice president of public policy for the Southern Baptist Convention's Ethics and Religious Liberty Commission. "I think it's essentially a reaction of fear to the current terrorist danger." The language in the laws, he added, is "a knee-jerk reaction."

Gary L. Bauer, president of American Values, a conservative public policy group, said the anti-terrorism thrust of laws such as the USA Patriot Act and the Real ID Act is supported by most conservatives, "but the enforcement of it has lapsed into ludicrously.

The concept of material support is being distorted, and even the definition of the term 'terrorism' is being turned on its ear."

The number of individuals granted asylum since 2001 has fallen steadily, from 39,641 then to 25,257 last year, according to the Department of Homeland Security. The number of refugee arrivals has fluctuated since 2001, from a high of 68,925 that year to 28,304 in 2003 to 53,738 last year. But it has not risen as high as the 72,000 who were allowed into the country the year before the attacks on the World Trade Center and the Pentagon.

Vager Vang, 63, is one of thousands of ethnic Hmong refugees in the United States who is hoping to gain legal residency with his green-card application. Vang fought in Laos alongside U.S. forces during the Vietnam War and helped rescue an American pilot who was shot down there.

But according to some interpretations of the Patriot Act, Vang is a former terrorist who fought against the communist Laotian government. Although his admission that he fought with Americans helped him gain refugee status in the United States in 1999, it may have hindered his green-card application after Sept. 11, 2001. The application has stalled at the Department of Homeland Security, and Fresno Interdenominational Refugee Ministries, the California group that helped him fill it out, is suspicious.

"It's not like DHS is telling people, saying, 'We're holding up your green-card application because you may have provided material support to terrorists,'" said Sophia DeWitt, a project director for the ministry. "They're just not communicating anything at all."

In central Florida, Lam Kim, 47, is fighting deportation. Kim fled Burma after soldiers ransacked her parents' house and found letters from the Chin National Front thanking her for a donation. The organization, which the Bush administration has labeled a terrorist group, is fighting against the Burmese military junta.

Kim, who uses a pseudonym, said she gave the money to help the group feed people in her ethnic group. She was jailed for two years after arriving in the United States in 2004, and her asylum request was rejected by an immigration judge. "If I go back to Burma," she said softly over the telephone, "I have to give my life. I am not terrorist. I say it not fair." A Colombian nurse living in California who declined to give her name said she was abducted by the Revolutionary Armed Forces of Colombia (FARC) outside Bogota and forced to treat one of their soldiers. She fled Colombia with her daughter in 2000 after her life was threatened in a note to her family. Her asylum request was rejected last year.

"I had no option," she said. "What will happen if I go back? I will be killed. They look for people. They know when they arrive at the airport. They have names."

Critics say that during the past two years, the Homeland Security Department has refused requests to broaden waivers that would have opened doors to people such as Hmong and Montagnard fighters who helped the United States in Vietnam and asylum-seekers such as Kim.

Horowitz, of the Hudson Institute, said he hopes Senate Judiciary Committee Chairman [Patrick J. Leahy](#) (D-Vt.), an opponent of "material support" provisions who has said the administration's definition of terrorists is a "catch-all," is serious about putting the issue on his agenda and holding hearings within the next two months. Leahy's spokeswoman said last week that the issue is high on his agenda.

"The key to ending these policies is in the hands of the new Democratic majority" in the House and Senate, Horowitz said. "I do not believe this is a sustainable policy."

Bauer, the American Values president, agreed, saying he plans to force the issue. "I've got a list of 150,000 conservative activists I e-mail," he said. "We're going to elevate it now as something we think time is long overdue for action."

If there are hearings in the Senate, Paul Rosenzweig, chairman of a Homeland Security advisory committee, could be called to testify. He said he is prepared to answer questions about why the department has not acted on complaints to grant waivers to people who, some say, clearly are not terrorists.

"I will completely own up to wishing we had done more, but it's a big department," he said. In the past year, the department broadened a waiver that allowed more ethnic Burmese refugees into the country, and it is in the process of broadening a waiver for Hmong and Montagnard guerrillas who fought for the United States.

The United States must be careful to not allow terrorists into the country, while fulfilling its promise to harbor the persecuted, Rosenzweig said. "It's a difficult problem," he said. "It isn't as easy as some might wish to balance the security risks that come with this and the humanitarian impulse."

Rosenzweig said that officials at the Homeland Security, Justice and State departments met with advocates about the waivers and that the meetings went well.

But few of the advocates agreed. "I wouldn't say the meetings went well," said Jennifer Daskal, a program director for Human Rights Watch. "The administration presented a proposal that would expand the waiver and basically said, 'Trust us.' It's been two years, and the administration hasn't done a whole lot to instill confidence."

Melanie Nezer, an attorney for the Hebrew Immigrant Aid Society, said, "They're proposing to broaden the waiver, but the waiver hasn't worked." While the administration grants waivers to ethnic Burmese in refugee camps outside the country, she said, it rejects the applications of persecuted Burmese already in the United States.

"It's an unbelievable problem because it's absurd," Nezer said.