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The Refugee Mess

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The Bush administration has made progress toward fixing the mess Congress made of refugee law -- but not enough.

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THE BUSH administration planned to admit 70,000 refugees this past fiscal year; Congress provided funding for 54,000. In the event, the United States admitted fewer than 42,000 -- a figure significantly lower than in either of the previous two years. The main reason for the shortfall in this crucial humanitarian program, according to recent State Department testimony before Congress, is the irrationally broad definitions in current law regarding terrorism, terrorist groups and material support for terrorism -- definitions that end up excluding as terrorists people who should be protected.

The law bars as refugees people who have been members or supporters of any group with "two or more individuals, whether organized or not, [which] engages in, or has a subgroup which engages in" activities as broad as using an "explosive, firearm or other weapon or dangerous device." The result has kept out the sort of people America's traditionally generous refugee policy was designed to help.

The law gives the administration some waiver flexibility, which it rightly has begun using recently on behalf of many ethnic Karen and Chin victims of the Burmese military junta. But that is only a partial fix, for the administration does not have the power to admit refugees who were members of groups that bore arms -- even those allied with this country. So the law continues to keep out what Ellen Sauerbrey, assistant secretary of state in charge of refugees, recently described to a Senate subcommittee as "other meritorious cases, such as Cuban anti-Castro freedom fighters, Vietnamese Montagnards who fought alongside of U.S. forces and Karen who participated in resistance against brutal attacks on their families and friends by the Burmese regime."

The administration seems newly open to the idea of fixing the law to give itself flexibility concerning members of groups that meet the absurdly broad definition of terrorist. That would be a breakthrough. A country's willingness to welcome victims of repressive governments and war zones is a measure of its values, and this country has traditionally led the world in refugee resettlement. Not every armed group is a terrorist organization; American policy should not treat victims of the worst sort of violence like perpetrators of it.

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