

EDITORIAL

Punishing Refugees Twice

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America's excellent record of giving refuge to the persecuted is flagging — and one of the biggest barriers seems to have arisen inadvertently.

In their haste, Congressional authors of the Patriot Act and its sister Real ID provision tucked a clause into the immigration laws barring entry to anyone who has provided “material support” to a terrorist organization. Who could argue with barring people who have aided terrorists?

But the Bush administration has chosen to interpret “material support” to include people who act under duress — someone pressed at gunpoint to supply a glass of water, or forced to dig graves or pay ransom for a kidnapped child, or held hostage in her home (and thus provided shelter to terrorists). The result is to victimize these people twice.

The law's definition of a terrorist group — two or more people who take up arms against a state — also makes no allowance for motive. Members of the Vietnamese Montagnards and Cuban Alzados — groups created by the United States that remain staunch supporters — are now blocked from entry.

As a result of the material-support clause, more than 11,000 refugees are being kept out of the country for allegedly supporting terror. Religious conservatives have urged that this problem be fixed, but the Departments of Homeland Security and Justice have rebuffed efforts by the State Department to narrow the law. The administration did grant waivers to groups of Karen refugees who oppose the Myanmar government, and administration officials argue that waivers are the solution. They are not: they are too slow and cumbersome, and there are many groups that waivers legally cannot help — the duress cases, for example.

The law needs reform, and not just to make more groups eligible for waivers. Representative Joe Pitts, a conservative Republican, is sensibly proposing to shut out only members and supporters of groups that the secretary of state determines are terrorists. Mr. Pitts would also let in those coerced into helping terror groups.

The bill has bipartisan backing, but many lawmakers are frightened of being labeled soft on terrorism. To have a real chance of passage, it will need the administration's support.