

March 5, 2007

Senator Harry Reid
Senate Majority Leader
528 Hart Senate Office Building
Washington, DC 20510

Senator Mitch McConnell
Senate Republican Leader
361-A Russell Senate Office Building
Washington, DC 20510

Senator Joseph Lieberman
The Senate Committee on Homeland Security and Governmental Affairs
706 Hart Senate Office Building
Washington, DC 20510

Senator Susan Collins
The Senate Committee on Homeland Security and Governmental Affairs
413 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators:

As you are aware, immigration laws are defining innocent victims of terror, as well as members of armed groups that the United States has supported, as terrorists and barring their admission to the United States.

As we wrote in a letter to House on January 11, any legislative solution to this problem must include, as a minimum, the following elements: (i) a streamlined process for ensuring that groups like the Hmong, Montagnards, Burmese ethnic minorities, Cuban Alzados, and others are not inadvertently categorized as terrorist organizations; (ii) a duress exception to the material support bar that ensures that victims of terrorism are not being defined as "material supporters" of terrorism; and (iii) expanded waiver authority to give the administration greater leeway to prevent the unintended consequences of these laws and a mechanism for individuals and groups to apply for such a waiver.

As we also stressed, we would oppose any legislative solution that does not address all three components of the problem and provide a real solution for the thousands of innocent individuals who are now being defined as terrorists and are at risk of deportation to persecution. We are concerned that the amendment filed by Senator Kyl on March 2, 2007, to the Homeland Security Bill now on the Senate floor does not meet this test.

First, while the legislation protects a select number of groups, including the Hmong, Montagnards, and Burmese, from being defined as terrorist organizations, it does nothing to protect other groups who may in the future be wrongly categorized as terrorist organizations simply because their members bore arms. Second, it does not protect those who have been forced – often at gunpoint – to provide food, water, or other services to a terrorist organization. Nothing in this amendment requires the administration to actually exercise this waiver to protect the rape victims from West Africa who were denied asylum because they were forced into domestic servitude by armed rebel groups or the farmers in Colombia

who are being denied asylum because they gave a glass of water to FARC rebels under a threat of death. To the contrary, the amendment merely restates – and narrows - current law, which already gives the administration discretion to apply a duress exception that it has never used. Third, the amendment eliminates administrative discretion to grant waivers to individuals who provided support voluntarily to groups that never should have been categorized as terrorist organizations in the first place. Under the Kyl amendment, the administration would have to issue a waiver of the entire group's classification as a terrorist organization in order to provide relief to any individual who provided support to the group. Finally, this legislation takes away the authority of the Secretary of State to grant these waivers, vesting final authority solely in the Department of Homeland Security.

We urge you to support a comprehensive solution to the problem and oppose a piecemeal fix that would lock into place some of the most pernicious aspects of the current policy.

Sincerely,

Sarnata Reynolds, Refugee Program Director
Amnesty International USA

J. Bradley Jansen, Director
Center for Financial Privacy and Human Rights

Rev. Joseph Roberson
Church World Service, Immigration and Refugee Program

Doug Bandow, Vice President of Policy
Citizen Outreach Project

Richard Parkins, Director
Episcopal Migration Ministries

Mary Brumder, Executive Director
Gap. Government accountability project

Elisa Massimino, Washington Director
Human Rights First

Tom Malinowski, Washington Advocacy Director
Jennifer Daskal, US Program Advocacy Director
Human Rights Watch

Joseph K. Grieboski, Director
Institute on Religion and Public Policy

Gregory J. Wangerin, Executive Director
Interfaith Refugee and Immigration Ministries

Rev. Kenneth J. Gavin, S.J., National Director
Jesuit Refugee Service/USA

**Kathryn Cameron Porter, President
Leadership Council for Human Rights**

**Michael D. Ostrolenk, National Director
Liberty Coalition**

**Ralston H. Deffenbaugh, Jr., President
Lutheran Immigration and Refugee Service**

**Layli Miller-Muro, Executive Director
Tahirih Justice Center**

**Dane vonBreichenruchardt, President
U.S. Bill of Rights Foundation**

**Lavinia Limon, President and CEO
U.S. Committee for Refugees and Immigrants**

**Stephan Bauman, Senior Vice President, Program
World Relief**