

## Summary of Material Support Changes to the Immigration and Nationality Act

### Pre-1996

- Created broad definition of “**terrorist activity**,” including “the use of any explosive or firearm (other than for mere personal, monetary gain) with the intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial property damage.”
- Barred from refugee resettlement any person who provided “**material support**” to an organization engaged in “terrorist activity” (as broadly defined).

### 1996: Antiterrorism and Effective Death Penalty Act (AEDPA)

- Created definition of Foreign Terrorist Organization (FTO): (Later called a “Tier I” terrorist organization).
- Barred from refugee resettlement and asylum/withholding of removal any person who provided “**material support**” to an FTO.
- Barred from refugee resettlement any person who was a **member** of an FTO.
- More broadly, barred from asylum/withholding of removal any person who provided “**material support**” to an “organization engaged in terrorist activity.”

### 2001: USA PATRIOT Act

- Created three tiers of “**terrorist organizations**.” Tier I defined as FTOs and Tier III defined as “a group of two or more individuals, whether organized or not, which engages in the activities described in subclauses (I), (II), or (III) of clause (iv) [*definition of ‘engage in terrorist activities’*].<sup>1</sup>
- Barred from refugee resettlement and asylum/withholding of removal any person who provided “**material support**” to a Tier II or Tier III terrorist organization.
- Barred from resettlement **spouses and children of refugees** who were **members** of an FTO (Tier I) within past five years.
- Barred from asylum/withholding of removal any “arriving” asylum-seeker who was a **member** of an FTO.
- Established a **waiver** for the **material support** bar.

### 2005: REAL ID Act

- Barred from refugee resettlement and asylum/withholding of removal any person who was a **member** of a Tier II or Tier III terrorist organization as well as the **spouse and children** of members of Tier II or Tier III terrorist organizations within the past five years.
- Barred from refugee resettlement and asylum/withholding of removal any person who provided **material support** to a member of a terrorist organization (Tier I, II, or III)
- Established a **waiver** for **Tier III terrorist organization** determination if determination would be based solely on the activities of a subgroup.

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<sup>1</sup> An exception to the Tier III membership and material support bars existed in various forms over the years for those who could prove that they did not know that the organization was a terrorist organization or that any assistance provided furthered terrorist activity.