

February 5, 2015

The Honorable Jeh Johnson
Department of Homeland Security
Washington, DC 20528

The Honorable John Kerry
Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Johnson and Secretary Kerry,

We write to bring attention to the plight of thousands of people in the United States who have already passed the difficult test to prove they are refugees and are waiting to go through additional security checks so they can finally become permanent residents of the United States and reunite with their families. We also write to raise the voices of refugees who remain in dangerous situations abroad, who remain eager to prove to the Department of Homeland Security that they pose no terrorism or security threat to the United States. All of these refugees have been stuck in legal limbo by definitions of “terrorism” that are widely acknowledged to be harming refugees the United States is committed to protect.

We urge you to use the authority designated to you by Congress to finally fix this problem for the thousands of refugees and asylees who have been mislabeled as “terrorists.” The principles of fairness and family unity should be applied to these refugees and asylees, who were admitted to this country legally and have been waiting for as long as eleven years to obtain permanent legal status and reunite with their spouses and children.

In 2001, Congress enacted legislation that significantly broadened the definition of “terrorist activity.” Because the definition was so broad, it encompassed some activities that had no actual connection to terrorism. Many refugees seeking safety—including those with family already in the United States—were barred from entering the U.S., and many refugees and asylees already offered protection and living in the U.S. were barred from obtaining green cards and reuniting with family members. A bipartisan coalition in Congress led by Senators Patrick Leahy (D-VT) and Jon Kyl (R-AZ) amended the law in 2007 to authorize the Administration to exempt persons with no actual connection to terrorism from the over-broad anti-terrorism provisions of the immigration law.

We were encouraged by the announcement of the two exemptions—the Exemption for Limited Material Support and the Exemption for Insignificant Material Support—you signed on February 5, 2014. The announcement of these exemptions brought hope to the thousands of individuals who have been mislabeled as terrorists for years. As the exemption announcement indicated, these overly-broad provisions of law are a bar to refugees “who do not pose a national security or public safety risk.” We were hopeful that these exemptions would benefit extremely vulnerable Syrian refugees who have fled the ongoing civil war, including women and children, as well as persons previously granted asylum or refugee status whose later applications for permanent residency or family reunification have been held up for years because of the overly-broad provisions.

Today, we are concerned that this announcement still has not been implemented, and note that the hope the February announcement gave to these refugees is fading. We urge you to take the following steps to fully implement the exemption authority currently available under the law:

- Ensure prompt implementation of the February 2014 exemption announcement.
- Sign additional group exemptions—many of which have been under consideration for months or even years—to allow the prompt adjudication of cases of individuals who do not bear any responsibility for human rights abuses or crimes and pose no threat to the security of the United States. Progress in this area is particularly urgent with respect to refugees who are applying for asylum or resettlement now.
- Allow U.S. Citizenship and Immigration Service officers to examine and provide relief where appropriate to individuals—on an individual, case-by-case basis—who had voluntary associations with “Tier III” groups. This includes refugees abroad in urgent need of resettlement and those currently seeking protection here in the United States, who were not helped by the recent change in policy and are still waiting for their cases to be considered. The “Tier III” groups with which these refugees were associated are not designated as terrorist groups or treated as such by the U.S. government in any other context. In many cases they are long defunct or are groups the U.S. government sympathizes with and even supports. The current approach, involving centralized review of each Tier III group before an individual who engaged in voluntary activities on behalf of the group can be granted an exemption, has proved to be unworkable.
- Review and revise current legal interpretations of what specifically constitutes “material support” under current immigration law. Statutory interpretations should and in our view can easily be brought into line with the purpose of the law, which was to exclude and deny relief to persons who are actually responsible for or provide meaningful support to terrorist acts or groups, and who pose a terrorist threat to the U.S.

This is a matter of compelling concern to each of us and to the organizations with which we are associated, and we urge you to take this critical step to resolve this problem that has caused so much pain and uncertainty for so many. On grounds of compassion, good policy and the rule of law, we call on you to resolve this matter quickly so that refugees—including those who remain at risk abroad—can finally find safety in the United States.

Sincerely,

National Organizations

American Immigration Lawyers Association

AJC

American Civil Liberties Union

American Friends Service Committee

Center for Victims of Torture

Church World Service

Ethiopian Community Development Council

Jubilee Campaign USA

HIAS

Human Rights First

Immigrant Legal Advocacy Project
International Rescue Committee
Iraqi Refugee Assistance Project
Lutheran Immigration and Refugee Service
National Association of Evangelicals
National Immigrant Justice Center
Tahirih Justice Center
United States Conference of Catholic Bishops/Migration and Refugee Services
U.S. Committee for Refugees and Immigrants
Women's Refugee Commission
World Relief

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cc: Shelly Pitterman, Regional Representative, UN High Commissioner for Human Rights