

Refugee Council USA

July 29, 2013

The Honorable John Boehner
Speaker of the House
H-232 The Capitol
Washington D.C. 20515

Dear Speaker Boehner:

On behalf of the twenty-five member organizations of Refugee Council USA (RCUSA), a coalition devoted to refugee protection and assistance, I write to express concern about provisions in the Strengthen and Fortify Enforcement, or SAFE Act (H.R. 2278) that have unintended consequences on refugees and asylees. We are troubled that this bill, whether it progresses in the House of Representatives individually or as part of a larger package of reforms, if passed would have a detrimental impact on some of the most vulnerable immigrants, refugees and asylum-seekers, and exacerbate challenges these special groups of immigrants face to gain protection and integrate in the United States.

As a global leader in protecting the most vulnerable, it is important that the United States upholds its commitment to refugees and asylum seekers who come to our country in search of safety, freedom and new lives for themselves and their families. Many provisions in the SAFE Act undermine our nation's legal obligations to protect refugees who have fled from religious, political and other persecution. The SAFE Act would cause unnecessary hardship for both those seeking protection and those who have already proved they are legitimate refugees and are already receiving protection in the United States. Rather than improving the safety of this country, the SAFE Act would undermine bi-partisan efforts to ensure that victims of persecution, violence and terrorism are not barred from this country's protection. RCUSA opposes the SAFE Act because of the following harmful consequences for vulnerable migrants to the United States:

- **Sections 202 and 203, "Terrorist Bar to Good Moral Character" and "Terrorist Bar to Naturalization,"** would broaden a significant problem that is already impacting refugees who present no security risk and undermine bi-partisan efforts to address that problem. These sections would bar from a finding of good moral character and naturalization, anyone who is described as a "terrorist" under section 212(a)(3)(b) of the Immigration and Nationality Act. U.S. immigration laws have for many years barred from the United States people who pose a danger to our communities or threaten our national security, even if they would otherwise qualify for refugee protection. In 2001, Congress enacted legislation that significantly broadened the definition of "terrorist activity." Because the definition is so broad, it encompasses many activities that have no real-life connection to terrorism. Refugees who fled because they were forced to provide money or services to armed groups or terrorists, and those who supported freedom fighters rising up against the most repressive regimes in the world, are mislabeled as "terrorists" under the expansive law. 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 broad anti-terrorism provisions of the immigration law. However, because of the Administration's slow implementation of its authority to grant exemptions in deserving cases, thousands of people in the United States and abroad have been stuck in legal limbo by U.S. immigration law definitions of "terrorism" that are widely acknowledged to needlessly harm refugees the United States is committed to protect. Under current law, many refugees seeking safety – including those with family already in the United States – are barred from entering the U.S. In addition, many refugees and asylees already granted protection and living in the U.S. legally are barred from obtaining green cards and reuniting with their spouses and children who remain in dangerous situations abroad. We are concerned that these provisions could even result in the denial of naturalization for refugees who have gone through the arduous process of being granted an exemption from the terrorism bars by the Department of Homeland Security (DHS).
- **Section 206, "Background and Security Checks,"** would require DHS to complete background and security checks before granting any immigration application or any

1628 16th Street, NW
Washington, DC 20009
tel: 202.319.2102
fax: 202.319.2104
www.rcusa.org

Members:

American Refugee
Committee International
Amnesty International USA
Asylum Access
Center for Applied Linguistics
(CAL)
Center for Victims of Torture
Church World Service/
Immigration & Refugee
Program
Episcopal Migration Ministries
Ethiopian Community
Development Council
Hebrew Immigrant Aid Society
Human Rights First
International Catholic
Migration Commission
International Rescue
Committee
Iraqi Refugee Assistance
Project
Jesuit Refugee Service/USA
Jubilee Campaign USA
Kurdish Human Rights Watch
Liberty in North Korea
Lutheran Immigration
and Refugee Service
ORAM – Organization for
Refuge, Asylum & Migration
RefugePoint
Southeast Asia Resource
Action Center
U.S. Conference of Catholic
Bishops/Migration & Refugee
Services
U.S. Committee for Refugees
and Immigrants
Women's Refugee
Commission
World Relief

immigrant or non-immigrant petition. RCUSA is certainly supportive of effective and timely security check processes. For individuals whose security and background checks are grossly delayed for reasons beyond their control and who are ultimately cleared, this could have serious consequences for applicants for immigration benefits or relief, including work authorization, family reunification or adjustment of immigration status. Individuals mislabeled as terrorists whose cases have been on hold while the Administration slowly develops procedures for issuing exemptions from the terrorism bars under the Kyl-Leahy agreement would be denied work authorization while their cases drag out for years.

- **Title I** would expand the role of state and local law enforcement agencies in enforcing federal immigration law. By granting states and localities full authority to create, implement, and enforce immigration laws, the Act would hand state and local police officers vast authority without federal oversight. The approach could lead to racial profiling and discrimination. Those who “look undocumented,” including refugees and asylees, would be subject to law enforcement stops, arrests, and detention. This approach could decrease public safety by fostering a fear of law enforcement in migrant and refugee communities by making survivors and witnesses of crimes less willing to cooperate with law enforcement.
- **Section 107** requires DHS to add additional detention facilities to the network of over 200 jails and jail-like facilities used to detain individuals in immigration proceedings or awaiting repatriation. This expansion could increase the number of torture survivors and asylum seekers who fought against repressive regimes currently behind bars. The bipartisan U.S. Commission on International Religious Freedom has repeatedly stressed that asylum seekers should not be detained in inappropriate jails and jail-like facilities.
- **Section 310** eliminates current prohibitions on indefinite detention of individuals for immigration purposes. Many individuals seeking protection in the United States from persecution and torture in their home countries would be directly harmed by these changes. Notably, stateless individuals often spend significant lengths of time in immigration detention given their inability to obtain travel documents.
- **Section 314** criminalizes assistance to vulnerable migrants by members of our communities. A hallmark of the United States refugee resettlement program is the public-private partnership that pairs local community volunteers and religious communities with newly arrived refugees. These volunteers connect refugees and other vulnerable migrants to the local community by bringing them to community events such as potlucks or school fairs while also assisting them as they register their children for school, attend ESL classes and find employment. Under section 314, however, these volunteers could face fines and jail time for “transporting, moving harboring or shielding” a refugee or an asylum seeker who has fallen out of status, which can happen as a result of bureaucratic delay or current gaps in our immigration laws. The expanded “alien smuggling and related offenses” provisions place the public-private partnership at the heart of resettlement at risk and divert precious law enforcement resources towards prosecuting volunteers and members of our religious communities.

As conversations continue in the House of Representatives around how to best reform our immigration laws, RCUSA urges you to oppose the SAFE Act and any efforts that would exacerbate rather than resolve problems in the lives of refugees, asylees and other vulnerable individuals. The United States can both protect its security and protect vulnerable people who look to this country as a beacon; the SAFE Act does not accomplish this.

Thank you for your leadership and we hope you will ensure that immigration reform upholds the United States’ proud history and tradition of protecting and welcoming victims of persecution, oppression and torture.

Sincerely,



Erol Kekic
Chair, Refugee Council USA