



Written Statement of Asian Americans Advancing Justice

Senate Committee on Homeland Security & Governmental Affairs

Hearing on “The Impact of ISIS on the Homeland and Refugee Resettlement”

November 19, 2015

Asian Americans Advancing Justice (Advancing Justice) is a national partnership of five non-profit, non-partisan organizations that work to advance the human and civil rights of Asian Americans and Pacific Islanders (AAPIs) through advocacy, public policy, public education, and litigation. We are based in Washington D.C., Atlanta, Chicago, Los Angeles and San Francisco.

We appreciate this opportunity to submit a statement concerning today’s hearing on America’s refugee policies. The overwhelming majority of Asian Americans today are immigrants or the children of immigrants. Many Asian immigrants came and still come to the United States as refugees due to volatile conditions, war or strife in their countries of origin. Between 1975 and 2006, the United States admitted 1,306,355 East Asians as refugees to the United States, more than half of the total 2,671,012 refugee population. Asian refugees increased in recent years and now many Burmese and Bhutanese nationals come to the United States as refugees. For example, in 2011, more than half of new refugees arriving in the United States are from Burma and Bhutan combined. As a result of our own community’s experience, we are deeply committed to strong and robust humanitarian protections for refugees and asylum-seekers.

Around the world, more than 60 million individuals are displaced from their homes. Due to the Syrian crisis alone, more than eight million people are internally displaced and four million are seeking refuge in the region and in Europe. Seventy-six percent of these refugees are women and children. Advancing Justice is deeply disappointed that this Committee chose to focus today on the alleged “terrorist” threat from refugees. We call upon this Committee to use this opportunity to discuss how the United States can welcome more people fleeing harm and provide better support for refugees already in our communities, rather than closing our doors.

Since 9/11, and even before, immigrants have been unfairly targeted for suspicion of terrorism or other threats to national security. In 2002, the Department of Homeland Security established the National Security Entry-Exit Registration System (NSEERS) program, requiring male visa-holders over the age of 16 from predominantly Arab and Muslim countries to register with local immigration offices. Around 84,000 Arab and Muslim men registered voluntarily and over 14,000 of them were deported for complying with the program, sending shockwaves through Arab and South Asian communities. Many individuals who came forward and registered under

the NSEERS program were detained and deported for infractions of immigration law, principally overstaying a visa. While the NSEERS program was rolled back in 2011, thousands of Arab and South Asians are still battling removal proceedings as a result of the initiative, and the religious fear politics of 9/11 continues to be used to justify discrimination against Arab, Middle Eastern, Muslim and South Asian individuals.

Moreover, we have seen a continuation of these overreaching government policies that rely on the pretext of national security to unfairly target the communities we serve. For example, we have learned that DHS has adopted a de facto policy of flatly denying parole and imposing disproportionately high bond to Bangladeshi asylum seekers fleeing political persecution as members of the opposition Bangladesh National Party (BNP), which DHS claims without credible basis is a Tier III terrorist organization. Even putting aside the hypocrisy of this position in light of the fact that the U.S. was an ally of the BNP when it was Bangladesh's ruling party as recently as in 2004,¹ DHS's position is a prime example of why we must question a rush to judgment that entire refugee populations are somehow suspect as terrorist threats.

Concerns about national security have also more broadly and directly affected refugees and asylum-seekers. In 2009, Human Rights First reported at the time "over 7,500 cases pending before [DHS] are on indefinite hold based on some actual or perceived issue relating to the immigration law's 'terrorism'-related provisions."² Further, the "overwhelming majority" of those cases on hold were family reunification petitions or applications for permanent residence filed by people granted asylum or refugee status several years ago.³

Given that many of today's displaced persons and refugees are from Syria and other predominantly Muslim countries, we are disappointed that today's hearing appears to be triggered by unfounded concerns about the motivations or intentions of refugees and asylum-seekers from certain countries. The refugee resettlement program is already the most difficult way to enter the United States, routinely taking individuals several years to be processed. All refugees undergo thorough and rigorous security screenings prior to arriving in the United States, including but not limited to multiple biographic and identity investigations; FBI biometric checks; in-depth, in-person interviews by Department of Homeland Security officers; medical screenings; investigations by the National Counterterrorism Center, and other checks by U.S. domestic and international intelligence agencies. In addition, other measures such as mandatory supervisory review of all decisions, random case assignment, and forensic document testing are in place to maintain the security of the refugee resettlement program.

Our existing immigration laws related to terrorism are overly broad and unfairly deny relief to many otherwise eligible individuals seeking shelter. While we must protect against real threats to

¹ See, e.g., OFFICE OF THE COORDINATOR FOR COUNTERTERRORISM, U.S. DEP'T OF STATE, 2004 COUNTRY REPORTS ON TERRORISM 72-73 (2005), available at <http://www.state.gov/documents/organization/45322.pdf> (noting that in 2004, Bangladesh supported the global war on terror and that the United States was assisting Bangladesh's capacity to combat terrorism).

² Human Rights First, "Denial and Delay: The Impact of Immigration Law's "Terrorism Bars" on Asylum Seekers and Refugees in the United States," (November 2009), available at <https://www.humanrightsfirst.org/wp-content/uploads/pdf/RPP-DenialandDelay-FULL-111009-web.pdf>.

³ *Id.*

national security and public safety, we should not let fear and prejudice guide our decisions about whom to welcome to America.

Sadly, in the aftermath of recently deadly and brutal attacks in Paris, Beirut and Baghdad, even limited efforts by the United States to resettle more Syrian refugees in the United States are being met with a brutal political backlash designed to incite fear and foment hate. Since the attacks, dozens of governors have declared they will not help resettle Syrian refugees in their states. And it appears the House will vote this week to temporarily halt the admission of Syrian and Iraqi refugees.

We must be careful not to act impulsively in response to this violence; instead we must have a measured and focused response more likely to actually address the root cause. The security of our country and its residents is paramount. But the kneejerk response of many, to blame refugees, does not reflect our country's history and values. Advancing Justice strongly urges this Committee to devote its time and resources to developing strong policies that promote the human rights, peace and security of people across the globe.