

December 4, 2015

Via Electronic Mail

United States House of Representatives

Re: Visa Waiver Program Security Enhancement Act, S. 2337

Dear Representative:

The undersigned organizations write to express our concern regarding the Visa Waiver Program Security Enhancement Act, S. 2337, specifically Section 2 of the bill which imposes a mandatory and categorical bar to the Visa Waiver Program (VWP) on any individual who has traveled to Syria or Iraq within the previous five years. We understand that the House of Representatives may look to S. 2337 as it related to pushing forward on H.R. 158, the Visa Waiver Program Improvement Act. In any discussions regarding reforms to the VWP, including the omnibus appropriations bill, we urge you to remove provisions that specifically target people who visit or are from Syria or Iraq.

The bill's blanket exclusion of visitors to Iraq and Syria would not be an effective security measure as it relies on self-reporting accurate tracking of who visits those countries that could be circumvented by someone intending to do harm -- the persons who are intent on engaging in terror activities are not getting their passports stamped, they are sneaking into Syria and Iraq. The provision is more likely to screen out health and aid workers, clergymen, journalists, military personnel, translators, family visitors and others who are helping protect Americans or have legitimate or completely innocent reasons to visit Syria or Iraq -- essentially penalizing them for their honesty.

The provision is premised on the unreliable assumption that people from those countries are more likely to commit terrorist acts, and it makes anyone who visits those countries automatically suspect of terrorism. While the draft legislation on its face applies to all persons who have traveled to Syria or Iraq, in reality the legislation will have a disparate impact on people of Syrian and Iraqi descent. Historically programs with sweeping powers to exclude people based on nationality, race, ethnic origin or religion have proven to be ineffective. In 2002, the U.S government established the special-registration program under National Security Entry-Exit Registration System (NSEERS) requiring heightened registration and scrutiny of people in the U.S. who came from mostly Arab and Muslim countries. NSEERS proved to be an ineffective counter-terrorism tool, and has not resulted in a single known terrorism-related conviction. Department of Homeland Security (DHS) suspended NSEERS in 2011.

Rather than imposing an ineffective ban from VWP on people who set foot in Syria and Iraq, Congress should consider other security measures that would more effectively enhance the Department of Homeland Security's ability to identify and screen out terrorists and dangerous individuals who pose threats to our nation.

The automatic exclusion of recent visitors to Iraq and Syria is discriminatory and will alienate Americans of Arab, Muslim, Middle Eastern and South Asian descent. The better way to combat terrorism in the U.S. is to ensure strong relations with these communities. With respect to Syrian refugees, former Sec. of State Madeleine Albright said “Our enemies have a plan. They want to divide the world between Muslims and non-Muslims, and between the defenders and attackers of Islam.”ⁱ In the aftermath of recent terrorist attacks, America must show its leadership by ensuring we remain an open society that welcomes people of all nationalities, faiths and backgrounds.

Respectfully Submitted,

American-Arab Anti-Discrimination Committee (ADC)
American Immigration Lawyers Association (AILA)
Asian Americans Advancing Justice (AAJC)
Asian Law Caucus
Council on American-Islamic Relations (CAIR)
Human Rights Watch
Iraq Veterans Against the War
Just Foreign Policy
League of United Latin American Citizens (LULAC)
The Leadership Conference on Civil and Human Rights
NAACP
National Immigration Law Center
National Network for Arab American Communities
Student-Led Movement to End Mass Atrocities (STAND)
SustainUS

ⁱ <http://time.com/4117333/madeleine-albright-refugees/>