



December 7, 2015

Via Electronic Mail

United States House of Representatives

Re: Visa Waiver Program Improvement and Terrorist Travel Prevention Act, H.R. 158

Dear Representative:

On behalf of the American-Arab Anti-Discrimination Committee (ADC), I write to strongly urge you to Vote No on the Visa Waiver Program Improvement and Terrorist Travel Prevention Act, H.R. 158. We have serious concerns on the application and enforcement of this bill if it were to become law, specifically Section 3 which 1) imposes a mandatory and categorical bar to the Visa Waiver Program (VWP) on any individual who is a dual citizen of Syria, Iraq, Sudan, and Iran; and 2) prohibits any person whom has traveled to Syria, Iraq, Iran, and Sudan since March 1, 2011.

We understand that the U.S. House of Representatives may push forward H.R. 158 through the omnibus appropriations bill, and strongly request you to Vote No to H.R. 158 and/or its inclusion in an omnibus bill because H.R. 158 is: 1) ineffective to actually secure safety; and 2) intentionally discriminates and profiles persons based on their national origin.

Section 3'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, teachers, 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 and performing humanitarian work.

It is not black and white, nor simple to suggest that HR 158 just requires individuals to get a visa. H.R. 158 is not just a visa requirement, HR 158 is discriminatory. Section 3 imposes a mandatory bar to all persons whom are dual citizens of Syria, Iraq, Sudan, and Iran is blatant profiling on its face. Only nationals of particular countries regardless of whether they have traveled to a terrorist support country or not, have to meet additional requirements they would not otherwise have to go through if they were not Arab. It is premised on the unreliable assumption that Arabs are more prone to terrorism and to commit terrorist acts, and further perpetuates stereotypes that Arabs are terrorists. There is no separate assessment and/or security review is done that determines that specific person on a case by case basis is a security threat, non-related to their identity, place of birth, or country of national origin.



American-Arab Anti-Discrimination Committee

The fact is that terrorism is not limited to one particular race, country of national origin, or religion, nor bound by country borders. However, this bill paints Arabs as the enemy, and makes VWP Arab nationals second class citizens in their own country – they are not afforded the same benefits as their fellow nationals. Many VWP nationals will be arbitrarily denied entry by Customs and Border Patrol with little to no notice of change in VWP requirements and no review if that person actually presents a threat to national security. Currently, Arabs face enormous scrutiny and security checks to enter the U.S. and many have been denied entry even with valid non-immigrant and immigrant visas, based on no other reason but their national origin. You should not support the further arbitrary exclusion of a group of people based on nothing but that person's national origin.

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 was initially portrayed as an anti-terrorism measure which required male visitors to the US from 25 Arab and Muslim countries to be fingerprinted, photographed, and questioned by immigration officers. Many whom complied with registration were arbitrarily detained and deported. NSEERS proved to be an ineffective counter-terrorism tool, and has not resulted in a single known terrorism-related conviction. We also should not forget the detrimental ramifications of blanket immigration exclusion and discrimination against Asians with the Chinese Exclusion Act.

Rather than imposing an ineffective ban from VWP on people who set foot in Syria and Iraq and excluding groups of people based on their national origin, Congress should consider other security measures that would more effectively enhance the Department of Homeland Security's screening process overall. We must also be wary of how VWP countries will treat Americans of Arab and Middle Eastern background, and may single out and exclude our citizens from entry in their respective immigration processes.

ADC strongly urges you to Vote No to H.R. 158 and stand up against profiling. The automatic exclusion of dual citizens of VWP countries and the designated Arab countries, and recent visitors to Iraq and Syria is discriminatory. The reactionary government actions following the Pearl Harbor attack – Japanese Internment camps and 9/11 – arbitrary detention and surveillance of Arabs – are cautionary tales that we must heed to now and remember that we cannot let fear erode respect and protection of civil and human rights.

Respectfully Submitted,

Samer Khalaf, Esq.
ADC National President