



The American-Arab Anti-Discrimination Committee

Statement for the Record on the

Lessons from the Paris Terrorist Attacks:

Ramifications for the Homeland and Refugee Resettlement

before the

U.S. Senate Homeland Security and Governmental Affairs Committee

and

The Syrian Refugee Crisis and Its Impact on the

Security of the U.S. Refugee Admissions Program

before the

Subcommittee on Immigration and Border Security

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To: Senator Ron Johnson, Chairman of Homeland Security and Governmental Affairs

Introduction

I am writing to you on behalf of the American-Arab Anti-Discrimination Committee (ADC), the country's only national Arab-American organization. ADC has a long history of supporting the human and civil rights of all Americans and opposing racism, discrimination and bigotry in any form. ADC was founded by former U.S. Senator James Abourezk in 1980. Today, ADC is the largest grassroots Arab-American civil rights and civil liberties organization in the United States. ADC is non-profit, non-sectarian, and non-partisan, with members in every State of the United States. ADC routinely works with a broad coalition of national organizations to address immigration, refugee, and humanitarian crisis in the Middle East and Arab region. ADC respectfully takes this opportunity to provide a statement for the record to U.S. Senate Homeland Security and Governmental Affairs Committee on *Refugee Resettlement in the United States*.

Statement

The fact that a number of governors have rejected Syrian refugees does not demonstrate any concrete fact or reliable evaluation of anything but their decision to cave into sensationalized propaganda aimed to cultivate fear. Our governmental agencies – the U.S. Department of Homeland Security (DHS), the Federal Bureau of Investigations (FBI), the Department of Defense (DOD), and the National Counterterrorism Center (NCTC) have the capacity to properly screen refugees prior to entrance into the United States.¹ “The length and thoroughness of the U.S. vetting system sets it apart from the chaotic, dangerous process for refugees fleeing into Europe by sea,” said Geoffrey Mock, the Syrian country specialist for Amnesty International USA.² Actually, the United States has one of the most comprehensive and vigorous in-depth security check processes, if not the top in the world, for screening refugee applications. Contradictory positions are merely opinion unfounded in objective reliable reports.

The United Nations Refugee Agency conducts an extensive vetting process that can take several months to a year with multiple levels of clearances before the U.S. vetting and security checks process even begins. These strict security measures have also been drastically enhanced in the past few years, including but not limited to required biometrics processing – eye scans and fingerprinting, collection of all biographical data, thorough interviews in person, and the cross-checking of asylum applicant names through a variety of government databases. The U.N. Refugee Agency security scrutiny applied to refugee applications referred to the U.S. is not conduct to refugees seeking refugee status in Europe, the vetting occurs after their entry.

¹ See U.S. Refugee Admission Program, <http://www.state.gov/j/prm/ra/admissions/index.htm>.

² See Linda Qiu, *Jeb Bush: 'It takes almost a year for a Refugee to be processed in the United States'*, POLITIFACT, Nov. 15, 2015.



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The numerous and vast strictly enforced security measures are beyond adequate and efficient to protect the security of the United States.³ Upon referral of a refugee application from the U.N. Refugee Agency, the U.S. makes the ultimate determination of whether the U.S. will accept or allow the refugee to enter the U.S. Multiple federal agencies – DOD, DHS, FBI, NCTC, the U.S. Citizenship and Immigration Services agency and the U.S. Department of State are intricately involved in the rigorous review process of each and every refugee application. The U.S. decided which refugee applications to approve and which refugee applications to deny.

DHS conducts several security checks and interviews overseas to make sure refugees meet the legal definition for a refugee – requiring demonstrable proof that were persecuted or feared persecution in their home country. Plus additional strenuous security provisions have been put in place for special screening and vetting of Syrian refugees that requires a minimum of 18-24 months for Syrian refugees to be fully examined.⁴ Syrian refugees as coming from an active war zone are scrutinized at the highest level security analysis⁵, where multiple checks are conducted on all biographical information and biometrics, and cross-referenced with the DOD, DHS, among other intelligence agencies to assure true identity and criminal background. There is also a pre-departure check that is conducted against accepted refugee's right before their scheduled travel to the U.S. and health testing done by the U.S Department of Health and Human Services.⁶

Syrian refugees must meet the basic requirements like all refugees and are subject to the same bars. Refugee applications will be denied and/or barred from refugee status where applicants have been involved in terrorism, torture, extrajudicial killings, genocide, acts that qualify as serious violent felonies under U.S. law, or engaged in fraud or misrepresentation of a material fact to gain admission to the U.S.⁷ The U.N. and U.S. governmental agency vetting process has been applied and used to aid refugees seeking safe haven from other similarly situated war torn and labeled “dangerous countries”, whom nationals have also been subjected to terrorism, including but not limited to Iraq, the Democratic Republic of Congo, Somalia, and the Central African Republic.

The strict security measures demonstrate that the terminology “safety and security” is being used as a tool to limit refugees because of anti-Arab sentiment and Islamophobia. “Empirically,

³ Syrian Refugees Eyeing America See Long Waits and Extensive Vetting, WALL STREET JOURNAL, Nov. 9, 2015, http://www.wsj.com/video/syrian-refugees-eyeing-america-see-long-waits-and-extensive-vetting/4F0CA055-6E95-42DA-821F-15873247B4C1.html?mod=WSJ_World_VideoCarousel_1.

⁴ Elise Foley, Refugee Screenings Are More Intensive Than Some Politicians Would Have You Think, Huff Post, Nov. 17, 2015, http://www.huffingtonpost.com/entry/refugee-screening-process-syrians_564b55ecec4b045bf3df0ece7.

⁵ Refugees seeking safe haven as nationals from Eastern Europe and Asian have not been forced to undergo such scrutiny as Syrian refugees.

⁶ Office of Refugee Resettlement, <http://www.acf.hhs.gov/programs/orr/programs/refugee-health>.

⁷ Bars & Security Screening in the Asylum & Refugee Processes, HUMAN RIGHTS FIRST, <http://www.humanrightsfirst.org/wp-content/uploads/HRF-Security-Safeguards.pdf>.



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historically, we don't see terrorists trying to embed people in refugee flows exactly because they are so highly vetted," agreed Gary Shiffman, former chief of staff for Customs and Border Protection at DHS and the CEO of Giant Oak, a company that analyzes large data sets to help address terrorism and crime problems.⁸ Congress must uphold its responsibility to help the millions of people that have been forced to flee their homes in Syria since 2011 to escape indiscriminate violence, ongoing civil war, rape, torture, and death. We are undisputedly facing a global refugee crisis that requires the United

States to provide safe haven. There are over 4 million registered Syrian refugees and 8 million Syrians internally displaced. The United States has only accepted 1,600, less than 1 percent of the entire need, with 20,000 pending Syrian refugee referrals from the United Nations Refugee Agency. By contrast, Germany has said that it will accept 800,000 refugees in 2016 and is willing to accept 500,000 more each year for the next few years. Jordan has provided safe harbor to half a million Syrian refugees. The United States has committed to accepting at least 10,000 Syrian refugees in the next fiscal year, but much more is needed. This is a crucial time for the United States to take the leadership role in the international community during the largest humanitarian crisis in recent history and encourage other nations to pull their weight and responsibility.

Congressional actions that contradict and/or attempt to undermine the purpose and existence of the refugee program including but not limited to H.R. 4083⁹ and H.R. 3573¹⁰, to save human lives, through measures to effectively shut down the refugee program and/or engage in national origin and/or religious profiling of refugee applications must be prohibited. Both H.R. 4083 and H.R. 3573 are in direct violation and/or contrary to the 1951 U.N. Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees policy of non-discrimination, non-penalization, and non-refoulement.¹¹ The aforementioned U.N. Convention recognized as customary international law, and the Immigration and Nationality Act § 101(a)(42) demand and reinforce the fundamental principle that refugee status be applied without discrimination. Refugee status is granted and/or extended to provide temporary protection in the U.S. for all persons subjected to persecution or in fear of persecution based on a protected characteristic including religion and national origin. The United States cannot pick and choose based upon a person's race, national origin, or religion whether to grant refugee status. How can we single out and treat people differently who are seeking protection for their very lives for the

⁸ Rachel Oswald, GOP, Democrats Gear Up to Clash Over Refugee Program, CQ NEWS, Nov. 12, 2015.

⁹ American Security Against Foreign Enemies (SAFE) Act of 2015, H.R. 4083, <http://docs.house.gov/bills/thisweek/20151116/BILLS-114hr-AI-Foreign.pdf>.

¹⁰ Refugee Resettlement Oversight and Security Act of 2015, H.R. 3573 <https://www.congress.gov/114/bills/hr3573/BILLS-114hr3573ih.pdf>.

¹¹ <http://www.unhcr.org/3b66c2aa10.html>.



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exact same reason? All Syrian and Iraqi refugee lives must be protected and are worth saving, not only Syrian Christians and Iraqi Christians.

Terrorism and the threat of terrorism are not solely confined to a particular country or religion. However, H.R. 4083 specifically signals out refugees coming from Syria or Iraq as requiring unanimous certification by the Secretary of DHS, the Director of the FBI, and the Director of National Intelligence to Congressional committee that the refugee accepted by the federal agency is not a threat to the security of the U.S. This is clearly an attempt by Congressional members to add additional burdens to elongate, and prevent refugee resettlement, and to create more bureaucratic loopholes and hurdles. As the requested federal intelligence and government agencies are already required to and enforce through their respective strict policies and procedures multiple cross-security checks to verify and assess the national security risk of each refugee. In addition, U.S. immigration law bars entry from the U.S. for any person “who is believed to be seeking to enter the U.S. to engage in unlawful activity” and “people who have been associated with a terrorist organization and intend to engage in activities in the U.S. that could endanger the welfare, safety, or security of the U.S.

The Refugee Resettlement Oversight and Security Act of 2015, H.R. 3573 if enacted would amend the INA to limit and effectively prohibit the number of refugees allowed to enter the U.S. where there is an unwillingness or inability to work together. The language of H.R. 3573 prohibits the acceptance of refugees approved through the federal agencies screening process unless a joint resolution is enacted into law by Congress that sets the number of refugees for the fiscal year. This is seriously troubling for several reasons: 1) the U.S. needs the flexibility to be able to sufficiently respond to refugee crisis and humanitarian needs as they fluctuate and/or an unanticipated armed conflict, war, genocide and/or environmental disaster occurs, and not be confined to a specific number; and 2) where there is not bipartisanship, politics will determine whether or not we can provide a safe haven to refugees fleeing for their lives, rather than capacity and feasibility.

Section 5 of H.R. 3573 goes further and impermissibly authorize selective discrimination on the basis of religion, by providing that refugees from religious minority groups are given preferential treatment and are prioritized for entry. Not only is this impermissible but refugee eligibility on the basis of persecution because of one’s religion is already provided for and identified as a protected characteristic. This demonstrates that the underlying intention of this provision and the legislation overall is to allow only for Christian refugees to be granted entrance into the U.S., which is fairly due to Islamophobia and improper correlation of Islam with terrorism.



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Conclusion

All Syrian refugees fear ISIS and terrorism as much if not more than Americans, like any human being. Syrian refugees are the daily targets and victims, suffering immense direct persecution by ISIS. The only difference is their chance of birth in a country that cannot protect them. Syrian refugees have been forced to live under siege, military invasions, plane and suicide bombings, rubble and destruction – terrorism – many for most of their lives. From World War II to Vietnam, America has always opened its doors to those in need of safe harbor, welcoming half a million refugees from Cuba and three quarters of a million from Vietnam, and today should be no different.

