



The American-Arab Anti-Discrimination Committee

Statement for the Record on the

Crisis of Confidence: Preventing Terrorist Infiltration

through U.S. Refugee and Visa Programs

before the

U.S. House Homeland Security Committee

Subcommittee on Border and Maritime Security

Subcommittee on Counterterrorism and Intelligence

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Abed A. Ayoub, Esq., ADC Legal & Policy Director
Yolanda C. Rondon, Esq., ADC Staff Attorney
American-Arab Anti-Discrimination Committee
1990 M Street NW Suite 610
Washington, DC 20036
Phone: (202) 244-2990
Fax: (202) 333-3980
E-mail: legal@adc.org
Web: www.adc.org



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**To: Representative Michael McCaul, Chairman of Homeland Security Committee
Representative Bennie Thompson, Ranking Member**

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 and government agencies 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. House Homeland Security Committee hearing entitled *Crisis of Confidence: Preventing Terrorist Infiltration through U.S. Refugee and Visa Programs*.

Statement

The passage into law of the Visa Waiver Program Improvement and Terrorist Travel Prevention Act is a poor reflection of America, and the fundamental rights and principles we are obligated to respect, protect and defend. The ideal aim of strengthening the security of our nation does not equate to shutting down our borders, abandoning our American values, and turning our backs on human beings in need because of their national origin, ethnicity and/or religion. Isolation and discrimination has never been and should never be the solution.

National origin and dual citizenship alone does not predicate a national security threat. It is not black and white, nor simple to suggest that the bill just requires individuals to get a visa. The bill is not just a visa requirement, it 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. There is no separate assessment and/or security review 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.

Historically immigration 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



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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.

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 visa holders and refugees and prior to entrance into the United States.¹

The U.S. has a rigorous security vetting system for refugees. The U.S. selects refugees for protected status that are living outside of war-torn/armed conflict areas, mainly women, children, and torture victims whom have fled for their lives to UN refugee camps and resided in refugee camps for years. Refugees undergo multiple levels of rigorous security checks by all our federal immigration and intelligence agencies immediately prior to their entry into the U.S. even after status approval. 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 a 2 year special screening and examination of each refugee application.²

The United Nations Refugee Agency also has a robust vetting process. 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. Strict security measures implemented include mandatory biometrics – eye scans and fingerprinting, collection of all biographical data, fact and corroboration in person interview checks and extensive identity research through inter-government intelligence and criminal databases.

“Empirically, 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

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

² 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_564b55ece4b045bf3df0ece7.



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help address terrorism and crime problems.³ Congress must uphold its responsibility to help the millions of human beings that have fled for their lives and many whom have died trying to escape indiscriminate violence, ongoing civil war, rape, torture, and death. We are undisputedly facing a global refugee crisis.

Congressional actions that contradict and/or attempt to undermine the purpose and existence of the refugee program 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. 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 the exact same reason?

Conclusion

All refugees fear terrorism as much if not more than Americans, like any human being. Refugees are the daily targets and victims, suffering immense direct persecution by terrorists. We cannot allow and perpetuate the automatic exclusion of legitimate visa holders based upon their national origin, ethnicity and/or religion. 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.

³ Rachel Oswald, GOP, Democrats Gear Up to Clash Over Refugee Program, CQ NEWS, Nov. 12, 2015.