

The Honorable Janet Napolitano  
Secretary of Homeland Security  
Washington, D.C. 20528

August 23, 2013

Dear Secretary Napolitano,

We write on behalf of the 3,500 people in the United States who have already passed the difficult test to prove they are refugees and are waiting to go through additional security checks so they can finally become permanent residents of the United States and reunite with their families. We also write on behalf of refugees who remain in dangerous situations abroad, who remain eager to prove to the Department of Homeland Security that they pose no terrorist or security threat to the United States. All of these refugees have been stuck in legal limbo by immigration law definitions of “terrorism” that are widely acknowledged to be harming refugees the United States is committed to protect.

We urge you to use the authority designated to you by Congress to finally fix this problem for the thousands of refugees and asylees who have been mislabeled as “terrorists” before you leave office in September. The principles of fairness and family unity should be applied to these refugees and asylees, who were admitted to this country legally and have been waiting for as long as ten years to obtain permanent legal status and reunite with their spouses and children.

In 2001, Congress enacted legislation that significantly broadened the definition of “terrorist activity.” Because the definition was so broad, it encompassed some activities that had no real-life connection to terrorism. Many refugees seeking safety – including those with family already in the United States – were barred from entering the U.S., and many refugees and asylees already offered protection and living in the U.S. were barred from obtaining green cards and reuniting with family members. A bipartisan coalition in Congress led by Senators Patrick Leahy (D-VT) and Jon Kyl (R-AZ) amended the law in 2007 to authorize the Administration to exempt persons with no actual connection to terrorism from the broad anti-terrorism provisions of the immigration law.

Last year, in commemoration of the 60<sup>th</sup> anniversary of the United Nations Refugee Convention, the Administration pledged to “significantly reduce” cases that are on hold by the end of fiscal year 2012, and to review, by the end of calendar year 2012, current interpretations of the immigration law’s national security exclusion grounds “to better ensure that those in need of protection retain eligibility for it.” We welcomed your August 2012 announcement that refugees in the United States already granted protection whose applications for permanent residence or family reunification have been on hold for years will finally be given the opportunity to pass all required security and background checks to have their cases adjudicated on a case-by-case basis.

Today, we are disappointed that this policy announcement has not yet resulted in a significant reduction in the number of cases on hold, and note that the hope the August announcement gave to these refugees has faded. We urge you to take the following steps to fully implement the exemption authority currently available under the law:

- Sign additional group exemptions – many of which have been under consideration for months or even years – to allow the prompt adjudication of cases of individuals who do not bear any responsibility for human rights abuses or crimes and pose no threat to the security of

the United States. Progress in this area is particularly urgent with respect to refugees who are applying for asylum or resettlement now.

- Ensure prompt implementation of the August 2012 exemption announcement for refugees and others who were already granted asylum or other lasting status and whose applications for permanent residence or family reunification have been on hold for 10 years or more in some cases.
- Allow US Citizenship and Immigration Service officers to examine and provide relief where appropriate to individuals – on an individual, case-by-case basis—who had voluntary associations with “Tier III” groups. This includes refugees abroad in urgent need of resettlement and those currently seeking protection here in the United States, who were not helped by the recent change in policy and are still waiting for their cases to be considered. The “Tier III” groups with which these refugees were associated are not designated as terrorist groups or treated as such by the U.S. government in any other context. In many cases they are long defunct or are groups the U.S. government sympathizes with and even supports. The current approach, involving centralized review of each Tier III group before an individual who engaged in voluntary activities on behalf of the group can be granted an exemption, has proved to be unworkable.
- Review and revise current legal interpretations of what specifically constitutes “material support” under current immigration law. Statutory interpretations should and in our view can easily be brought into line with the purpose of the law, which was to exclude and deny relief to persons who are responsible for or provide meaningful support to terrorist acts or groups and who pose a terrorist threat to the U.S.

This is a matter of compelling concern to each of us and to the organizations with which we are associated, and we urge you in your last months as Secretary to finally resolve this problem that has caused so much pain and uncertainty for so many. On grounds of compassion, good policy and the rule of law, we call on you to resolve this matter quickly so that refugees– including those who remain at risk abroad – can finally find safety in the United States.

Sincerely,

Laura W. Murphy, Director  
American Civil Liberties Union Washington Legislative Office

Richard Foltin, Director of National and Legislative Affairs  
American Jewish Committee

Msgr. John Enzler, President and CEO  
Catholic Charities of the Archdiocese of Washington DC

Curt Goering, Executive Director  
Center for Victims of Torture

Alexander D. Baumgarten, Director, Office of Government Relations  
The Episcopal Church

Deborah Stein, Director  
Episcopal Migration Ministries

Tsehay Teferra, President  
Ethiopian Community Development Council, Inc.

Tina Ramirez, President  
Hardwired, Inc.

Mark Hetfield, President and CEO  
HIAS

Eleanor Acer, Director, Refugee Protection Program  
Human Rights First

Christine Cooney Mansour, Legal Director  
Human Rights Initiative of North Texas

Bill Frelick, Refugee Program Director  
Human Rights Watch

Susan Roche, Executive Director (Interim)  
Immigrant Legal Advocacy Project

Victoria Neilson, Legal Director  
Immigration Equality

Sharon Waxman, Vice President of Public Policy and Advocacy  
International Rescue Committee

Armando Borja, National Director  
Jesuit Refugee Service/USA

Ann Buwalda, Esq., Executive Director  
Jubilee Campaign USA

Alex Boston, Executive Director  
Just Neighbors

Linda Hartke, President and CEO  
Lutheran Immigration and Refugee Service

Leith Anderson, President  
National Association of Evangelicals

Mary Meg McCarthy, Executive Director  
National Immigrant Justice Center

Hans Hogrefe, Chief Policy Officer and Washington Director  
Physicians for Human Rights

Michel Gabaudan, President  
Refugees International

Dr. Russell Moore, President  
Southern Baptist Ethics & Religious Liberty Commission

Michael Horowitz, CEO and Senior Fellow  
21st Century Initiatives

Lavinia Limon, President and CEO  
US Committee for Refugees & Immigrants

Ambassador (ret) Johnny Young, Executive Director, Migration and Refugee Services  
US Conference of Catholic Bishops

Stephan Bauman, President and CEO  
World Relief

**Law Professors\***

**Susan M. Akram**, Clinical Professor and Supervising Attorney, Asylum and Human Rights Program  
Boston University School of Law

**Deborah Anker**, Clinical Professor of Law and Director, Harvard Immigration and Refugee Clinical  
Program  
Harvard Law School

**Sabrineh Ardalan**, Lecturer on Law, Harvard Immigration and Refugee Clinical Program  
Harvard Law School

**Kristina M. Campbell**, Assistant Professor of Law and Director, Immigration and Human Rights  
Clinic  
University of the District of Columbia David A. Clarke School of Law

**Michael J. Churgin**, Raybourne Thompson Centennial Professor in Law  
The University of Texas School of Law

**Maryellen Fullerton**, Professor of Law  
Brooklyn Law School

**Denise Gilman**, Clinical Professor and Co-Director, Immigration Clinic  
University of Texas School of Law

**Anju Gupta**, Assistant Professor of Law and Director, Immigrant Rights Clinic  
Rutgers School of Law – Newark

**Susan Gzesh**, Senior Lecturer, Human Rights Program  
University of Chicago

**Kate Jastram**, MA, JD, Director of Research and Programs, Law Lecturer in Residence  
Miller Institute for Global Challenges

**Kit Johnson**, Associate Professor of Law  
University of Oklahoma College of Law

**Emily B. Leung**, Albert M. Sacks Clinical Teaching & Advocacy Fellow, Harvard Immigration and  
Refugee Clinic  
Harvard Law School

**Beth Lyon**, Professor of Law  
Villanova University School of Law

**Susan F. Martin**, Donald G. Herzberg Professor of International Migration  
Georgetown University School of Foreign Service

**M. Isabel Medina**, Ferris Family Distinguished Professor of Law  
Loyola University New Orleans College of Law

**Karen Musalo**, Clinical Professor of Law and Director, Center for Gender & Refugee Studies  
U.C. Hastings College of the Law

**Michael A. Olivas**, William B. Bates Distinguished Chair in Law  
University of Houston Law Center

**Ediberto Roman**, Professor and Director of Immigration Initiatives  
Florida International University

**Victor C. Romero**, Maureen B. Cavanaugh Distinguished Faculty Scholar & Professor of Law  
The Pennsylvania State University Dickinson School of Law

**Carrie Rosenbaum**, Professor of Immigration Law  
Golden Gate University School of Law

**Galya Ruffer**, J.D., Ph.D., Director, International Studies Program, Director, Center for Forced  
Migration Studies at the Buffett Center  
Northwestern University

**Heather Scavone**, Director of the Humanitarian Immigration Law Clinic and Assistant Professor of  
Law  
Elon University School of Law

**Andrew Schoenholtz**, Visiting Professor of Law and Director, Human Rights Institute  
Georgetown University Law

**Philip G. Schrag**, Delaney Family Professor of Public Interest Law  
Georgetown University

**Barbara Schwartz**, Clinical Professor  
University of Iowa College of Law

**Gemma Solimene**, Clinical Associate Professor of Law  
Fordham University School of Law

**Philip L. Torrey**, Clinical Instructor, Harvard Immigration and Refugee Clinical Program  
Harvard Law School

**Michael J. Wishnie**, William O. Douglas Clinical Professor of Law and Deputy Dean for  
Experiential Education  
Yale Law School

**Stephen Yale-Loehr**, Co-director  
Cornell Law School Immigration Appellate Law and Advocacy Clinic

\* Institutional affiliations are for identification purposes only

Cc: Shelley Pitterman, Regional Representative for the United States and the Caribbean,  
United Nations High Commissioner for Refugees (UNHCR)

Stephen Pomper, Senior Director for Multilateral Affairs and Human Rights,  
National Security Council, The White House