



November 29, 2006

President George W. Bush  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. President:

As Americans celebrated Thanksgiving last week, we reflected on the story of the Pilgrims, who fled religious intolerance and found in this new land the freedom to worship in accord with their conscience. Today, three centuries later, people of courage and conscience continue to look to America as a beacon of hope and a place of refuge from intolerance and oppression.

How we treat these modern-day pilgrims is a measure of how true we are to our identity as a nation. As Secretary Rice said recently, “[t]he commitment of the United States to protecting and assisting refugees is deep and abiding. This commitment is part of our nation’s history and it goes to the very core of our values.”

We write today to urge you to intervene to resolve a crisis that threatens to undermine America’s historic role as a haven for those who seek freedom from oppression, and is stranding thousands of refugees and asylum seekers in a dangerous legal limbo.

Implementation of current immigration law bars from admission to the United States anyone who provides “material support” to a “terrorist organization.” This provision is intended to exclude from refugee status those who make common cause with violent extremists. This is a sensible and legitimate goal, but your administration’s application of the overly broad definitions of “material support” and “terrorist organization” has prevented thousands of refugees and asylum seekers from receiving asylum, resettlement, or permanent residence in this country. Many of those excluded are *victims* of violent extremism and oppression whose very struggle to be free now makes them inadmissible.

Earlier this year, for example, the U.S. Board of Immigration Appeals – at the urging of the Department of Homeland Security (DHS) – denied asylum to a refugee from Burma on the grounds that he provided “material support” to a “terrorist organization.” The man, a Baptist schoolteacher and a member of the Chin minority, suffered greatly at the hands of the Burmese military regime, who beat him severely, burned down his house,

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and jailed him for two years after he let two men speak to his village about democracy. But DHS lawyers argued that, because the speakers were associated with a Chin resistance group, by giving them food and letting them sleep in the town the teacher provided “material support” to a “terrorist organization” and should be denied asylum.

Surely this is not what Congress intended, and it clearly contravenes your goals of promoting human dignity and standing with those who resist oppression. This man spent seven months in an immigration jail here. His wife and two young children are in danger in Burma. Because the United States has denied him asylum, he cannot petition to bring them to safety here. DHS has the authority to exempt the teacher from the “material support” bar, but it has failed to do so.

Unfortunately, this case is not unique. In fact, DHS has yet to issue a single exemption for any refugee seeking asylum here. Human Rights First has detailed this and other cases of refugees who have been prevented from receiving asylum under the material support provision in *Abandoning the Persecuted*, a report we issued last month. I have enclosed a copy of our report, as well as a copy of the Board’s decision in the case of the Burmese teacher, for your reference.

We share your view that the U.S. refugee program reflects our finest humanitarian tradition. This country can protect itself while honoring our heritage as a nation of refugees by protecting victims of persecution who seek safety here. Your leadership is necessary to produce legislation that clarifies the law’s application and reiterates this country’s commitment to the victims of persecution.

In particular, we ask you to do two things: 1) ensure that the Departments of Homeland Security, Justice, and State recognize that duress is a defense to these immigration provisions so that credible refugees who have been the victims of violence and extortion are not deprived of protection; and 2) support bipartisan legislation – likely forthcoming early in the next Congress – that proposes to fix the ongoing problems with the material support bar.

Mr. President, you have pledged that “All who live in tyranny and hopelessness can know: the United States will not ignore your oppression, or excuse your oppressors. When you stand for your liberty, we will stand with you.” We urge you to give life to this pledge by ensuring that the U.S. government no longer puts refugees at risk through the application of these overly broad immigration law definitions.

Sincerely,



Maureen Byrnes

Executive Director