

The logo for the New York City Bar, featuring the text "NEW YORK CITY BAR" in a serif font, centered between two horizontal blue bars.

NEW YORK  
CITY BAR

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November 23, 2015

Hon. Mitch McConnell  
Majority Leader, United States Senate  
317 Russell Senate Office Building  
Washington, DC 20510

Hon. Harry Reid  
Minority Leader, United States Senate  
522 Hart Senate Office Building  
Washington, DC 20510

Dear Senator McConnell and Senator Reid:

I write on behalf of the New York City Bar Association to oppose recent congressional proposals to halt or delay U.S. resettlement of refugees from Iraq or Syria. By effectively shutting down the process of screening and admitting refugees from these countries, bills such as the American Security Against Foreign Enemies Act (H.R. 4038), which was recently passed in the House of Representatives, would deny lifesaving humanitarian protection to families fleeing horrific violence in Syria and Iraq. Moreover, these proposals would cause the United States to abandon its commitment to non-discrimination principles and its longstanding role as a leader in international refugee protection, encouraging countries around the world to follow suit. By denying protection to those fleeing persecution by terrorist and violent extremist groups and by the forces of Syrian President Bashar al-Assad, these proposals would tarnish the image of the United States throughout the world and harm national security. We urge Congress to reject these proposals, and instead to support an increase in refugee admissions.

The Association is an independent nongovernmental organization of more than 24,000 lawyers, judges, law professors, and government officials from throughout the United States and over fifty other countries. The Association has a long history of dedication to human rights, including through its Committee on International Human Rights, which investigates and reports on human rights concerns in the United States and around the world, and its Committee on Immigration and Nationality Law, which is comprised of experienced immigration judges, attorneys, and scholars, including many experts in asylum and refugee law.

At the outset, the Association urges Congress to recognize the dire need for protection for the men, women, and children fleeing Syria and Iraq. The Syrian civil war has already claimed well over 200,000 lives.<sup>1</sup> More than four million Syrians have fled their country alone, with an additional 7.6 million displaced within Syria.<sup>2</sup> Refugee resettlement is a critical component of international protection mechanisms developed to respond to such crises.<sup>3</sup> Moreover, many refugees from Iraq, including those who are facing persecution due to their work with the U.S. military or U.S. contractors, are desperately waiting for admission to the United States.

On September 18, 2015, in light of the continuing and escalating violence in Syria, a coalition of 159 U.S.-based faith-based and non-profit organizations have urged the Obama Administration to increase the number of refugees admitted for resettlement from 70,000 to 200,000 for fiscal year 2016, including 100,000 Syrians.<sup>4</sup> On September 29, the Administration announced that that it would raise the overall refugee ceiling from 70,000 to 85,000, and later indicated that this would include 10,000 Syrian refugees.<sup>5</sup>

The United States can and should accept more refugees fleeing Syria. However, in the wake of the tragic terrorist attacks in Paris on November 13, certain lawmakers and politicians have suggested that the United States should halt resettlement of Syrian refugees, and several proposals would severely curtail or stop the resettlement of refugees from Syria and other parts of the Middle East. For example, H.R. 4038 would create an unworkable and redundant requirement that the Secretary of Homeland Security, the FBI Director, and the Director of National Intelligence certify that refugees from Syria and Iraq do not pose a security threat. This requirement would effectively stop refugee resettlement from both Iraq and Syria, leaving tens of thousands of refugees without protection.

Proposals to suspend admission of Syrian and Iraqi refugees – or to prioritize Christian refugees and refuse Muslim refugees – are contrary to our laws and our ideals at a moment when U.S. leadership is desperately needed. Historically, the United States has been a global leader on refugee resettlement, having resettled over 3 million refugees since 1975.<sup>6</sup> The United States announced on the world stage its commitment to protecting this vulnerable population by ratifying the 1967 United Nations Protocol Relating to the Status of Refugees, which adopted the core provisions of the United Nations Refugee Convention (the “Convention”). The United States then implemented these treaty obligations through the Refugee Act of 1980, which created a standardized and secure system of refugee resettlement.

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<sup>1</sup> See Karen Yourish, K.K. Rebecca Lai, and Derek Watkins, *How Syrians Are Dying* (infographic), N.Y. Times, Sept. 14, 2015, <http://nyti.ms/1iaMbMm> (estimating death toll in September at over 200,000).

<sup>2</sup> Press Release, UN High Comm’r for Refugees, Total number of Syrian refugees exceeds four million for first time (July 9, 2015), <http://www.unhcr.org/559d67d46.html>.

<sup>3</sup> UN High Comm’r for Refugees, UNHCR Refugee Resettlement Handbook (2011), <http://www.unhcr.org/46f7c0ee2.pdf>.

<sup>4</sup> Letter from 159 Organizations to President Obama (Sept. 18, 2015), <http://www.rcusa.org/uploads/pdfs/members/Syrian%20Resettlement%20Sign-On%20Letter%209.18.15.pdf>.

<sup>5</sup> Presidential Determination – Presidential Determination on Refugee Admissions for Fiscal Year 2016, Sept. 29, 2015, <https://www.whitehouse.gov/the-press-office/2015/09/29/presidential-determination-presidential-determination-refugee-admissions>.

<sup>6</sup> See Refugee Council USA, History of the U.S. Refugee Resettlement Program, <http://www.rcusa.org/history>.

In recent years, annual U.S. admissions of refugees have hovered near 70,000.<sup>7</sup> While this represents a higher number of resettled refugees than any other country in the world admits, the current global refugee crisis calls for greater leadership from the United States. Should the United States roll back its own commitment to resettling Syrian and Iraqi refugees, the impact of this change would reverberate far beyond the particular group of refugees whom the United States itself is turning away. The United States leads by example, and this action would discourage other nations from addressing the global refugee crisis. Thus, the United States should not roll back admissions, but rather should respond to calls from organizations across the country to increase its resettlement commitment to 100,000 Syrian refugees.

Denying protection to all refugees with a particular national origin, race, or religion would violate the Convention's principle of non-discrimination against refugees on these bases, as well as traditional American values of equal protection. Such proposals recall deeply discriminatory early immigration laws such as the Chinese Exclusion Act of 1882, which barred immigration of Chinese laborers based solely on their national origin.

The proposed legislation also does not serve its stated national security goals. Under current law, refugees who are resettled in the United States are screened more thoroughly than any other group of individuals permitted to enter the country. To begin, the U.N. High Commissioner for Refugees first registers, interviews, and takes biometric data of refugees who have sought protection in a state outside their country of origin. Once a referral is made to the U.S. Refugee Resettlement Program, the U.S. government then conducts its own rigorous screening process, which includes a multi-step series of background checks and security screenings conducted by the U.S. Department of Homeland Security, the National Counterterrorism Center, the Department of Defense, and U.S. intelligence agencies. Overall, Syrian refugees are more closely vetted than any other group allowed entrance to the United States.<sup>8</sup> The United States has already implemented additional security protocols for Syrian refugees, such that the whole process takes about two years.<sup>9</sup>

Finally, halting the resettlement of Syrian and Iraqi refugees, many of whom are themselves fleeing persecution by the same terrorist group that recently attacked Paris, feeds into the terrorists' and violent extremists' own propaganda, which has demonized refugees fleeing violence in Syria,<sup>10</sup> and is likely to harm the United States' long-term national security interests by tarnishing its image abroad and bolstering terrorists' recruitment strategies.

Emphasizing the need to "reinforce our borders while remaining true to our values," the President of France, François Hollande, announced on November 18 that France will honor its existing commitment to resettle 30,000 Syrian refugees in the next two years after subjecting

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<sup>7</sup> Refugee Council USA, Refugee Admission Levels, [www.rcusa.org/refugee-admission-levels](http://www.rcusa.org/refugee-admission-levels).

<sup>8</sup> Human Rights First, Refugee Resettlement – Security Screening Information, Nov. 2015, [www.humanrightsfirst.org/sites/default/files/SyrianRefugeesVettingFacts.pdf](http://www.humanrightsfirst.org/sites/default/files/SyrianRefugeesVettingFacts.pdf).

<sup>9</sup> Linda Qiu, *Jeb Bush: 'It takes almost a year for a refugee to be processed in the United States,'* Politifact, Nov. 15, 2015, [www.politifact.com/truth-o-meter/statements/2015/nov/15/jeb-bush/jeb-bush-it-takes-almost-year-refugee-be-processed/](http://www.politifact.com/truth-o-meter/statements/2015/nov/15/jeb-bush/jeb-bush-it-takes-almost-year-refugee-be-processed/) (collecting sources).

<sup>10</sup> Joshua Keating, *You Know Who Else Demonizes Refugees? ISIS*, Slate.com, Nov. 16, 2015, [www.slate.com/blogs/the\\_slatest/2015/11/16/isis\\_demonizes\\_refugees\\_just\\_like\\_republicans\\_do.html](http://www.slate.com/blogs/the_slatest/2015/11/16/isis_demonizes_refugees_just_like_republicans_do.html); <http://www.npr.org/sections/parallels/2015/09/22/442520787/the-flood-of-syrian-refugees-puts-isis-on-the-defensive>.

them to rigorous security checks.<sup>11</sup> Even as we continue to maintain the extremely thorough processes of screening refugees already in place, the United States must also remain true to its values.

Accordingly, the Association urges Congress to abandon H.R. 4038 and any other proposals that would delay or halt the resettlement of Syrian or Iraqi refugees, and urges President Obama to veto any such proposal. Instead, Congress should press the Administration to increase U.S. refugee admissions numbers, and to lead a comprehensive global effort to ensure the safety of the men, women, and children who are fleeing unspeakable violence in Syria and Iraq.

Respectfully,

A handwritten signature in black ink, appearing to read "Debra L. Raskin". The signature is fluid and cursive, with the first name "Debra" being more prominent than the last name "Raskin".

Debra L. Raskin

cc: Hon. Ron Johnson, Chairman, Senate Committee on Homeland Security and Governmental Affairs

Hon. Thomas R. Carper, Ranking Member, Senate Committee on Homeland Security and Governmental Affairs

Hon. Kirsten Gillibrand

Hon. Charles E. Schumer

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<sup>11</sup> Ishan Tharoor, *France says it will take 30,000 Syrian refugees, while U.S. Republicans would turn them away*, Wash. Post, Nov. 18, 2015, <https://www.washingtonpost.com/news/worldviews/wp/2015/11/18/france-says-it-will-take-30000-syrian-refugees-while-u-s-republicans-would-turn-them-away/>.