



November 18, 2015

Re: **Oppose H.R. 4038, the “American Security Against Foreign Enemies Act of 2015”**

Dear Representative:

The American Civil Liberties Union strongly urges you to oppose H.R. 4038, the “American Security Against Foreign Enemies Act of 2015,” or “American SAFE Act of 2015” (H.R. 4038). A vote on the bill is scheduled to take place on Thursday, November 19, 2015. **The ACLU urges you to vote NO on H.R. 4038.** The ACLU will score this vote.

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**I. H.R. 4038 creates bureaucratic obstacles to end U.S. acceptance of refugees from Syria and Iraq without any demonstrated public-safety benefit.**

H.R. 4038 creates a bureaucratic-review process that likely would effectively shut down resettlement of refugees from Syria and Iraq. The bill mandates new certifications and undefined background investigations for all refugees who are nationals or residents of Iraq or Syria, and many who are not. Under H.R. 4038, all refugees deemed to originate from Iraq or Syria - including anyone who has been in either country at any time in the last four and a half years - may only be admitted to the U.S. after the Director of the Federal Bureau of Investigation, the Secretary of Homeland Security, and the Director of National Intelligence unanimously concur that the refugee has cleared an additional background investigation on top of what the Attorney General this week testified is “significant and robust” security screening. There has been no need expressed by federal intelligence or law-enforcement agencies for such an unprecedented clearance process, which could take years to operationalize and does not add any public-safety benefit for the U.S. population. In short, H.R. 4038 would bring the U.S. resettlement process of Syrian and Iraqi refugees to a grinding halt.

**II. H.R. 4038 would result in unjustified discrimination against refugees from Syria and Iraq based on their nationality, national origin, and religion.**

It is wrong and un-American to condemn groups without reason solely based on their nationality, national origin, religion, or other protected grounds. The proposed certification and background investigation requirements in H.R. 4038 would only apply to refugees deemed to be from Iraq or Syria, and not other countries. The bill sponsors have provided no sufficient reason for additional certification and investigation requirements to justify the differential treatment of refugees from Syria and Iraq, or even defined how that differential treatment would improve current practice. H.R. 4038, therefore, amounts to impermissible discrimination on the basis of nationality and national origin without a rational basis.

The extra certification and investigation requirements in H.R. 4038 would disproportionately harm Muslim refugees seeking protection in the U.S. According to

the Refugee Processing Center,<sup>1</sup> 96 percent of Syrian refugees admitted to the U.S. since the Syrian civil war began in 2011 are Muslim, while over 60 percent of Iraqi refugees admitted since the Iraq war began in 2003 are Muslim.<sup>2</sup> Muslim refugees would disproportionately suffer the consequences of this discriminatory bill, as they would be denied entry to the U.S. and forced to languish in refugee camps for years on end.

**III. H.R. 4038 is an attack on vulnerable refugees from Syria and Iraq, both those seeking protection and those already residing in the U.S.**

Not only is H.R. 4038 an attack against refugees from Syria and Iraq, but it would also harm those refugees' family members who are already in the U.S. and eagerly awaiting to be reunified with their loved ones. This bill would subject those families to an interminable wait and would prolong unnecessary suffering for both the refugees seeking protection and those family members waiting in the U.S. Moreover, the bill's very name, the "American Security Against Foreign Enemies Act," would worsen stigmatization of Syrian and Iraqi refugees – and, more broadly, scapegoat all refugees – fanning the flames of discriminatory exclusion here and abroad.

**IV. Conclusion**

The ACLU urges the House to vote NO on H.R. 4038. For more information, please contact ACLU Legislative Counsel Joanne Lin (202-675-2317; [jlin@aclu.org](mailto:jlin@aclu.org)), or Policy Counsel Chris Rickerd (202-675-2339; [crickerd@aclu.org](mailto:crickerd@aclu.org)).

Sincerely,



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<sup>1</sup> The Refugee Processing Center is a company "operated by the U.S. Department of State (DOS) Bureau of Population, Refugees, and Migration (PRM)" that runs the Worldwide Refugee Admissions Processing System (WRAPS), which "is used to process and track the movement of refugees from various countries around the world to the U.S. for resettlement under the U.S. Refugee Admissions Program (USRAP)." (REFUGEE PROCESSING CENTER, <https://www.wrapsnet.org/> (last visited Nov. 18, 2015)).

<sup>2</sup> Calculations by the ACLU, based on data from the DOS-operated Refugee Processing Center's Worldwide Refugee Admissions Processing System (WRAPS), using "Syria" and "Iraq" as the Nationality, the sum of "Moslem," "Moslem Ismaici," "Moslem Shiite," and "Moslem Suni" as the Religion, and the time period of FY2011 to Nov. 18, 2015 for Syrian refugees and FY2003 to Nov. 18, 2015 for Iraqi refugees. Between FY2011 and Nov. 18, 2015, 2,234 Syrian refugees were admitted to the U.S., of which 62 were Moslem, 13 were Moslem Shiite, and 2,072 were Moslem Suni (or 2,147 total Syrian refugees who identified as Moslem). Between FY2003 and Nov. 18, 2015, 127,706 Iraqi refugees were admitted, of which 2,358 were Moslem, 32,184 were Moslem Shiite, and 44,339 were Moslem Suni (or 78,881 total Iraqi refugees who identified as Moslem). See Arrival Reports for Syrian and Iraqi refugees from FY2003 to Nov. 18, 2015, Refugee Processing Center, <http://www.wrapsnet.org/Reports/InteractiveReporting> (follow "MX - Arrivals by nationality and Religion" hyperlink; then search "Fiscal Year" for Year Type, "Iraq" and "Syria" for Nationality, "Oct. 1, 2002" for the First date of the reporting period, "Nov. 18, 2015" for the Last date of the reporting period, and select "Select All" for the Religion(s) and "By Nationality" for Sort Order).