



December 3, 2015

Re: **ACLU Opposes Paul Amendment No. 2899**

Dear Senator:

On behalf of the American Civil Liberties Union (ACLU), we strongly urge you to oppose Paul Amendment No. 2899.

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I. Amendment No. 2899 would brand a permanent anti-Muslim and anti-Arab mark on the U.S. refugee and immigration system.

Amendment No. 2899 singles out immigrants and refugees from 34 so-called “high-risk” countries, the vast majority of which are located in the Muslim world. The amendment would impose a moratorium on the U.S. resettlement of refugees from these 34 nations, and would bar the Department of Homeland Security (“DHS”) from approving any visa or political asylum application submitted by a national of one of the 34 nations.

Taken together, these measures would effectively close the doors to the overwhelming majority of the world’s Muslims and Arabs seeking to enter the U.S., whether as refugees, visitors, students, investors, or otherwise.

II. Amendment No. 2899 would result in unjustified discrimination against nationals from 34 predominant-Muslim nations.

It is wrong and un-American to condemn groups without reason solely based on their nationality, national origin, religion, or other protected grounds. The temporary moratorium on processing would only apply to refugees and immigrants from 34 so-called “high-risk” countries, the vast majority of which are located in the Muslim or Arab world. Sen. Paul has provided no sufficient reason to justify the differential treatment of refugees and immigrants from the Muslim or Arab world. There has been no need expressed by intelligence or law enforcement to justify differential treatment, and there is no demonstrated public-safety benefit to the U.S. population associated with imposing a moratorium on processing refugees and immigrants from the Muslim or Arab world. Amendment No. 2899, therefore, amounts to impermissible discrimination on the basis of nationality, national origin, and religion without a rational basis.

III. Amendment No. 2899 would be inconsistent with U.S. treaty obligations to protect refugees and uphold human rights without discrimination.

Amendment No. 2899 would be inconsistent with U.S. human rights obligations, especially under the International Convention on the Elimination of All Forms of

Racial Discrimination (“ICERD”) which requires States Parties to “guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law.”¹ Government policies that apply unequal legal standards to non-citizens based on their national origin violate ICERD.²

Furthermore, Amendment No. 2899 would heighten stigmatization of refugees from the Muslim or Arab world – and, more broadly, scapegoat all Muslims and Arabs in the U.S. - fanning the flames of discriminatory exclusion here and abroad.

IV. Conclusion

The ACLU urges you to oppose Amendment No. 2899. For more information, please contact ACLU Legislative Counsel Joanne Lin (202-675-2317; jlin@aclu.org).

Sincerely,



Karin Johanson
Director
Washington Legislative Office



Joanne Lin
Legislative Counsel

¹ International Convention on the Elimination of All Forms of Racial Discrimination (“ICERD”), Mar. 7, 1966, 660 U.N.T.S. 195.

² Article 1.3 of the ICERD states that, concerning nationality, citizenship or naturalization, the legal provisions of States parties must “not discriminate against any particular nationality” (Comm. on the Elimination of Racial Discrimination, General Recommendation 30: Discrimination against non-citizens (2004), U.N. Doc. CERD/C/64/Misc.11/rev.3).