



## Southeast Asia Resource Action Center

### MATERIAL SUPPORT: HARMFUL EFFECTS FOR REFUGEES AND ASYLUM SEEKERS

#### Background

Shortly after the September 11, 2001 terrorist attacks, Congress enacted the *USA Patriot Act*, and in 2005 President Bush signed into law the *REAL ID Act*. Both contain broad anti-terrorism provisions that deny refugee status to anyone who has provided "material support" to a "terrorist organization."

The definition of "terrorist organization(s)" was expanded to include, a "group of two or more individuals, whether organized or not"; and the term "terrorist activity" constitutes as any use of a weapon or dangerous device with the intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property; and "material support" to include any financial, physical, or material assistance no matter how small, to armed resistance against a country's government.

#### What can happen?

Under the current interpretation of "material support":

- ❖ Thousands of refugees overseas who are awaiting resettlement may be denied to come to the U.S.
- ❖ Refugees who have arrived in the U.S. may be affected when they adjust their immigration status to become naturalized citizens, such as the newly arrived Hmong refugees.
- ❖ Asylum seekers can be determined to be ineligible for asylum if they cannot prove that they did not knowingly provide "material support," which is often a burden when they barely escaped to survive and cannot possibly return to their homeland in order to retrieve evidence.

#### Who is affected?

- ❖ Populations presently affected include Burmese, Colombians, Hmong, Montagnards, and many other refugee and immigrant populations.
- ❖ Many refugees may have provided "material support" *under duress*, often with threats to their lives. In many cases the amount was *insignificant or given inadvertently* without direct intent to help an armed group in opposition to the government in power.

#### Case Examples of Material Support:

##### *Burmese*

A Burmese family, who has been persecuted by their country's harsh military government, provides two days' worth of food and shelter to a few members of a pro-democracy group fighting the Burmese dictatorship, a brutal government the U.S. opposes. Because this pro-democracy group is armed, the U.S. denies the family refugee resettlement for having offered "material assistance" to a "foreign terrorist organization."

##### *Hmong*

Currently, there is a Hmong population who remain overseas in Laos and Thailand who are in opposition to the Lao Communist government and may have engaged, (according to the way the Patriot Act and Real ID Act are interpreted) in "terrorist activity" against the Lao government. At the same time, a Hmong family or individual may have provided "material support" in the form of shelter or food to those belonging to the Freedom Fighters and were not aware of the consequences and implications it has when they apply for refugee resettlement to the United States.

#### What can you do?

- ❖ Call or write to your Members of Congress to inform them that this policy will have a negative impact for refugees and asylum seekers who are genuinely in need of protection and have no intention of harming the United States. For more information, please contact Jenny Yang at [jenny@searac.org](mailto:jenny@searac.org) or (202)667-4690.