

Jewish Community Letter on REAL ID Act (Sent to All Members of the United States Senate)

February 24, 2005

Dear Senator:

As representatives of a community that has been a victim of both persecution and terrorism, we are deeply concerned that the United States implements policies that enhance our national security while maintaining our country's fundamental commitment to refugee protection. We note with great dismay that the House of Representatives' approach to the important issues contained in the REAL ID Act (H.R.418) failed to forthrightly address the most pressing security issues related to undocumented migration and creates new burdens on refugees seeking safe haven in the United States.

As the Senate considers how to respond to H.R. 418, we urge you to reject the fast-track approach taken by the House of Representatives and to ensure that a bill of this magnitude is given full consideration before it is rushed to a final vote. We also hope that essential legislation funding U.S. troops and crucial humanitarian commitments such as tsunami relief will not be used to force passage of this legislation without providing opportunities for significant alteration of the bill.

A particularly egregious aspect of H.R. 418 is Section 101, which would allow a refugee to be denied asylum if he or she is unable to produce documents that confirm his or her testimony, even when the testimony provided has been deemed credible; require a refugee to prove his or her persecutor's "central reason" for the persecution, often difficult in the common mixed motive cases; give immigration officers or immigration judge broad latitude to deny asylum based on his or her perceived "demeanor"; and restrict stays of removal that are essential to prevent asylum seekers from being returned to their counties of persecution during the appeal of their denied applications.

These provisions in Section 101 will greatly undermine the ability of refugees fleeing religious persecution and other forms of violence and abuse to make claims for political asylum. The bill's proponents in the House sought to create the impression that changes are necessary to keep terrorists from obtaining asylum. In fact, terrorists and others believed to be a danger to the United States are already statutorily barred from asylum. These allegations also fail to recognize the extensive security reviews performed by the CIA, FBI, Department of Homeland Security, and State Department that all asylum applicants undergo, as well as the reforms of the U.S. asylum system in the mid 1990s. Many of these reforms responded to the legitimate concerns at that time that asylum applicants could disappear during the many years it took to process their applications.

While H.R. 418 would harm asylum seekers, including many victims of religious persecution, it would do nothing to address the fundamental problem of undocumented migration. The millions of undocumented migrants who cross our borders each year, and the eight to twelve million undocumented migrants currently residing in this country, create a humanitarian and a security crisis for our country. Comprehensive Immigration Reform is essential for immigration authorities to gain control over our borders and to target enforcement resources on terrorists and criminals, rather than ordinary migrants simply seeking a better life for their families.

In the most recent State of the Union address, President Bush recognized the vital need to address problems associated with undocumented migration. While we realize that this is a difficult effort, we strongly urge you to support the development of bi-partisan Comprehensive Immigration Reform legislation. In the interim, we ask that you begin the process of directly responding to the security implications inherent to the current problems of

undocumented migration by moving forward on the consideration of the AgJOBS and DREAM Acts, legislation that would assist undocumented agricultural workers and high school students.

We sincerely believe that an honest assessment of the United States' immigration priorities, as well as our fundamental national security needs, warrants focusing on the challenge of Comprehensive Immigration Reform. The hasty approach – resulting in onerous and unnecessary measures directed at legitimate seekers of asylum and refugees status – taken by the House in passing the REAL ID Act is, in contrast, the wrong way to approach this difficult, but essential, task.

Thank you for considering our views.

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