

**IMMIGRATION AND REFUGEE CLINIC &  
INTERNATIONAL HUMAN RIGHTS CLINIC, HUMAN RIGHTS PROGRAM  
HARVARD LAW SCHOOL**

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**STUDY FINDS U.S. LAW DUBS LEGITIMATE REFUGEES AS “TERRORISTS”, BARRING THEM  
FROM RESETTLEMENT**

CAMBRIDGE, MA: A study released today has found that thousands of legitimate Burmese refugees run the risk of being labeled by the U.S. as “terrorists”. As a result, they and many other legitimate refugees from around the world may be barred from resettlement due to overly broad clauses of U.S. immigration law. The research, by the International Human Rights Clinic of the Human Rights Program and the Immigration and Refugee Clinic, both of Harvard Law School, is the first in-depth review the implications of the law in practice.

U.S. law currently bars any person in who has ever given “material support”—willingly or not—to any organization or person involved in an armed conflict, whether that support was a large financial contribution or the provision of a glass of water to a member of that organization. Members themselves are also excluded. *“To date, the law has been applied with the perverse effect of making no distinction between a refugee fleeing human rights violations in Burma or a Nelson Mandela, on the one hand, and an Osama bin Laden on the other hand,”* said Tyler Giannini, Associate Clinical Director of the Human Rights Program. Giannini added, *“Right now, if someone like Nelson Mandela were to apply for asylum in the U.S., he’d be denied as a terrorist. Punishing refugees cannot be what Congress intended when it passed the law.”*

The study also found that the definition of “terrorism”, as now employed, encompasses the activities of long established groups in Burma, both civilian and military, that have been opposing the current authoritarian regime over the past five decades. Many of these groups stated goal is to achieve a democratic federal government. The law, however, does not provide for interpretation of the context in which the conflict is occurring, including whether “groups” (defined as two or more individuals engaging in violence of any kind) are defending themselves against immediate physical harm, human rights violations, or even genocide. The law as now applied will also deny admission to members of groups whom the U.S. supports.

This combination of factors potentially affects any refugee fleeing a situation of conflict. In Burma, the military government uses brutal methods of oppression, torture, and ethnic and religious persecution that have forced the ethnic Karen, Karenni, and Chin populations to flee the country. Safe harbor in the United States may now be withheld from these vulnerable populations. *“The United States is now in the awkward position of denying bona fide refugees fleeing a regime that President Clinton and President Bush have explicitly condemned, the latter*

*in his most recent State of the Union address,”* said Professor Deborah Anker, Director of the Immigration and Refugee Clinic.

The study was based on extensive field research in Thailand and Malaysia in January 2006. Unless Congress or the Administration take action, interviews with more than 150 individuals indicate that as many as 80% of the Burmese populations surveyed may be labeled as engaging in material support or “terrorist” activities and barred from resettlement under the current interpretations of the bar.

Although the study focused on the situation of Burmese, the law could affect any refugee around the world. Giannini added, *“U.S. law and policy should help those fleeing conflict, so thousands of vulnerable refugees will not be denied resettlement, or placed at even greater risk by being branded by the U.S. as terrorists.”*

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