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Provision of Antiterror Law Delays Entry of Refugees

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WASHINGTON, March 7 — About 9,500 Burmese refugees scheduled to be resettled in the United States from Thailand this year are in limbo because their indirect support for armed rebels opposed to their repressive government has put them in technical violation of American antiterrorism law, government officials say.



Steve Ruark for The New York Times
Edward Neufville has a Burmese client being detained in Texas.

The Burmese are the largest of several groups, including refugees from Cuba, Vietnam, Liberia and Somalia, whose admission to the United States has been jeopardized by a provision in the USA Patriot Act that denies entry to anyone who has provided material support to a terrorist or armed rebel group. The provision applies even if that support was coerced or the aims of the group in question match those of American foreign policy.

The law broadens the definition of terrorist groups to include organizations that do not appear on the State Department's list of designated terrorist groups, effectively barring refugees loosely linked to armed groups that have resisted authoritarian governments like those in Cuba and [Myanmar](#), formerly Burma.

Some of the refugees paid taxes to rebel groups that controlled their communities. Others offered food or small sums to relatives or acquaintances in groups with ties to rebels or were forced to provide such support, refugee resettlement officials said.

Officials in the Homeland Security and State Departments

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have been working for several months to define guidelines for a waiver to the statute that would allow the resettlement of the refugees, who are fleeing religious, ethnic and political persecution, and refugee officials said they hope for a resolution soon.

But with thousands of families stranded in refugee camps overseas, officials from the [United Nations](#) and Republicans and Democrats in Congress have begun warning in recent weeks that the law is leaving refugees increasingly at risk.

The law has already delayed the resettlement of 146 Cubans who offered support to armed opponents of [Fidel Castro](#) in the 1960's; 200 Burmese refugees housed in Malaysia; 30 Hmong refugees in Thailand; 11 Vietnamese Montagnard refugees in Cambodia; and a small number of Liberians and Somalis, United Nations statistics show.

The United Nations is still awaiting a formal decision on the 9,500 Burmese refugees in Thailand.

United Nations officials and members of Congress said the refugees posed no known security risks to the United States. By tagging them as having links to terrorists, the United Nations says, the Bush administration will make it difficult to find other countries willing to accept them. It may also lead countries providing the refugees with temporary shelter to reconsider their welcome.

The delay in issuing a waiver to the statute has led the United Nations to suspend the American resettlement of hundreds of Colombian refugees, many of whom were forced to make payments to rebel forces, and of 1,300 Burmese refugees housed in Malaysia, who made donations to ethnic groups linked to armed opponents of the Burmese government.

It has also prevented some 500 asylum seekers in the United States from being granted permanent refuge here. Many of those cases are being appealed.

"Until this issue is resolved, many deserving refugees and applicants for asylum fleeing religious, ethnic or other forms of persecution will be unfairly denied or postponed from achieving safe haven," Representatives Christopher H. Smith, Republican of New Jersey, and Ileana Ros-Lehtinen, Republican of Florida, said last week in a letter to the homeland security secretary, Michael Chertoff.

The antiterrorism law, which was passed in 2001 and which Congress reauthorized on Tuesday, has been increasingly applied to refugees in the past two years. So has the Real ID Act, which further broadened the definition of terrorist groups when it was enacted last year.

"That procedure should ensure that terrorists do not abuse refugee status or the asylum laws of the United States," Mr. Smith and Ms. Ros-Lehtinen wrote. "However, the

procedure should also properly weigh situations in which individuals are acting under duress or are legitimately resisting illegitimate and tyrannical regimes."

Senators [Joseph I. Lieberman](#) of Connecticut and [Edward M. Kennedy](#) of Massachusetts, both Democrats, wrote a similar letter last week.

Bill Strassberger, a spokesman for the [Homeland Security Department](#), said his agency was working with the Departments of State and Justice to resolve the problem.

"Part of the consternation over this issue is that this process is taking some time," Mr. Strassberger said. "The process is made difficult because of the need to balance national security with our deep commitment to assisting refugees and providing a safe refuge."

Those affected by the law include a Colombian woman forced by rebels to hand over livestock. The rebels killed her husband and raped her before she escaped the country. Because her forced support for the rebels would bar her from admission to the United States, the United Nations settled her in another country.

Researchers from the Human Rights Program at [Harvard](#) Law School, who traveled to Thailand and Malaysia, interviewed scores of additional refugees. Two of them — one who gave a hat to a cousin who belonged to an opposition group and another who was taxed a basket of rice annually by the group — are among the Burmese who still hope to find refuge in the United States.

Lawyers at the Homeland Security Department have also argued that the laws now bar the United States from admitting Afghan refugees who supported the Northern Alliance in its battle against the [Taliban](#) or South Africans who supported the African National Congress when it was deemed a terrorist group.

The lawyers made that case in January as they tried to persuade a panel of judges to deny asylum to a Burmese woman who had donated money to an opposition group. The woman, a Christian who has been detained in Texas since she entered this country in 2004, said she had been persecuted in Myanmar for her religious beliefs and her ethnicity.

The woman, who is being represented by Edward Neufville and who will not allow her name to be used because her case is pending, remains in detention, awaiting the judges' decision.

"I am still hoping," she said in a telephone interview on Friday.

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