



# AILA: Congress Should Reject H.R. 158 Until Its Visa Waiver Program Changes Are More Carefully Weighed

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**WASHINGTON, DC** - The American Immigration Lawyers Association (AILA) expressed concerns regarding the Visa Waiver Program Improvement and Terrorist Prevention Act, H.R. 158, and recommended Congress vote "NO" on the bill unless modifications and clarifications are made.

"Protecting our nation from terrorists is absolutely essential, and AILA understands and supports efforts to strengthen the Visa Waiver Program, but Congress must consider any legislative proposal carefully, and this bill is getting rushed to the House floor without ever being reviewed in Committee. In fact, the bill was not even made public until just a day or two ago," said AILA President Victor Nieblas Pradis.

"AILA has serious concerns that H.R. 158 would broadly target descendants of Syrian or Iraqi nationals, or those from other countries alleged to be supporting terrorism, who may have little or no connection to those countries except by parentage," Mr. Nieblas continued, referring to the bill's blanket termination of participation in the Visa Waiver Program (VWP) for anyone who is a "national" of Iraq or Syria, or other designated countries. "As written, the bill could result in discrimination that will exclude people without consideration of legitimate risk factors. For instance, a child who has never been to Syria, but was born in France to Syrian parents, would be ineligible for the VWP."

H.R. 158 also excludes from the program anyone who travelled to countries alleged to be supporting terrorism within the past five years, without sufficient authority to waive revocation for those who clearly pose no threat. "This per se ban will hurt humanitarian workers and journalists who are traveling to Iraq and Syria or other designated countries to do life-saving work or to report on international events. The bill's waiver will not help any of these people who have visited for legitimate, even compelling reasons," Mr. Nieblas noted, referring to a provision that allows the Secretary of Homeland Security to waive the exclusion if the waiver is in the interest of law enforcement or national security, but makes no mention of humanitarian or other grounds.

"History has shown overbroad programs that target people based on nationality, race, ethnic origin or religion are not effective at combatting terrorism. After 9/11, our government forced thousands of people from Middle-Eastern countries, and countries with predominantly Arab and Muslim populations, to undergo special processes to register themselves with the federal immigration authorities," Mr. Nieblas said, referring to the 2002 special-registration program under National Security Entry-Exit Registration System (NSEERS). The U.S. government described special-registration as an "inconvenience" in the same way some are now justifying H.R. 158's exclusion from VWP. He continued, "Not a single known terrorism-related conviction ever came out of NSEERS. NSEERS is a stain on our nation's history that we should never repeat."

H.R. 158 would also establish additional reporting requirements to Congress regarding use of the program, additional eligibility requirements for VWP countries, and enhancements to the Electronic System for Travel Authorization (ESTA). The agencies involved in the VWP have sought to continually improve and adapt the program as circumstances change. As Congress aims to enhance the program, it is essential that any changes are both workable and effective.

"Standing by our founding principles of freedom and liberty is what keeps us strong. AILA urges Congress to show leadership by ensuring any legislation it passes is consistent with our values as a nation, and is crafted in a way that is workable, sensible, and based on good policy, not political expediency," Mr. Nieblas concluded.

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*The American Immigration Lawyers Association is the national association of immigration lawyers established to promote justice, advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members.*

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