



December 8, 2015

## Oppose H.R. 158, the Visa Waiver Program Improvement Act of 2015

Dear Representative:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national civil and human rights advocacy organizations, we urge you to oppose H.R. 158, the Visa Waiver Program Improvement Act of 2015. Section 3 of H.R. 158 would open the door to the use of profiling on the basis of national origin, while doing little, if anything, to promote national security.

While H.R. 158 calls for a number of bipartisan improvements to the visa waiver program (VWP), Section 3 would make two significant – and unhelpful – changes. First, it would bar travelers from utilizing the process if they are dual nationals of a VWP country and also of Iraq, Syria, or other countries that are named as state sponsors of terrorism. Its overly-broad language would apply to nationals of those countries even if they have never set foot there, and are only dual citizens because of the nationality of their parents.

Second, it would exclude visitors from the VWP if they have traveled to Iraq, Syria, or other designated countries, even if they did so to provide medical or humanitarian assistance or many other legitimate purposes. The effect of this on national security is negligible at best, because it would only affect people who entered those countries through legitimate channels and accurately reported their travels – not those who snuck in through the poorly-secured borders in those countries to work with terrorist groups. In other words, it would simply penalize travelers for being honest.

While Iraqi or Syrian dual nationals, or people who have visited those countries, could still apply at a U.S. consulate for a nonimmigrant visa, they would be subjected to a process that raises concerns about ethnic and national origin profiling and other arbitrary practices. Under current procedures, consular decisions are not reviewable, which raises the likelihood that low-risk individuals would be barred from traveling to the United States altogether, while high-risk individuals would simply find other ways of doing harm.

We would support amendments to Section 3 that add due process protections for affected travelers. Because the bill is coming up on the suspension calendar, however, no such amendments will be allowed. We recognize that Congress is highly motivated to enact greater national security protections in the wake of the Paris and San Bernadino terrorist attacks, but we hope that you will reject this bill in its current form and demand that it be improved.

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Thank you for your consideration. If you have any questions, please contact either of us or Rob Randhava, Senior Counsel, at (202) 466-3311.

Sincerely,



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