

July 31, 2017

The Honorable John Cornyn, Chair
Senate Judiciary Committee
Border Security and Immigration Subcommittee
224 Dirksen Senate Office Bldg.
Washington, DC 20510

The Honorable Richard Durbin, Ranking Member
Senate Judiciary Committee
Border Security and Immigration Subcommittee
224 Dirksen Senate Office Bldg.
Washington, DC 20510

Dear Chairman Cornyn and Ranking Member Durbin:

We, the undersigned human rights and free expression groups, write to express our dismay at the Notice of Intent to Deny the asylum application of renowned Syrian writer, scholar, and human rights activist Dr. Radwan Ziadeh, issued on June 2, 2017, by the Arlington Asylum Office of the United States Citizenship and Immigration Services (“USCIS”).

This preliminary decision is based on an illogical and highly problematic misinterpretation of Dr. Ziadeh’s peacebuilding activities, which have been misunderstood as constituting “material support” for terrorism. The denial of Dr. Ziadeh’s asylum application is grossly unfair, and would set a deeply troubling precedent that could impair the work of peacebuilding and negotiation efforts around the world that serve America’s national interests.

As a prominent critic of President Bashar Al-Assad, Dr. Ziadeh will likely face serious harm, including a likelihood of ill treatment and torture in detention, if he returns to Syria. We ask the Subcommittee to investigate why the Asylum Office denied his application, and to urge USCIS to reverse its decision.

Though he is just 41 years old, Dr. Ziadeh has already had a long and distinguished career as a scholar and human rights activist, and has long been known as among the most knowledgeable, committed, and trusted Syrian dissidents based in Washington, D.C. He has published more than 20 books on international affairs and peacebuilding; been a visiting scholar at Harvard, Columbia, New York University, Georgetown, and George Washington University; and lectured on human rights violations and promoting accountability and democracy in Syria at dozens of

U.S. universities, colleges, and academic and human rights conferences. He has also testified repeatedly before Congress, including in front of the Lantos Commission, and has met with the offices of numerous senators and representatives.

Dr. Ziadeh continues to play a pivotal role advocating against the abuses of Syria's Assad regime. He has faced censorship and intimidation from the Syrian government for his activities. In 2007, he defied Syrian government restrictions to escape with his wife to the United States. The Syrian government issued an arrest warrant for him the following year and began to systematically harass and threaten the lives of his remaining family in Syria, including torturing his brother for seven months. From the United States, Dr. Ziadeh pursued his advocacy, co-founding the Syrian Centre for Political and Strategic Studies ("SCPSS") in 2008. None of these facts are contested by USCIS, which accepts that Dr. Ziadeh would face a well-founded fear of persecution were he to have to return to Syria.

According to the Notice, the Asylum Office intends to deny Dr. Ziadeh's asylum application, notwithstanding his qualifications as a refugee, based on a determination that he had "engaged in terrorist activity." This baseless finding rested on an egregious misreading of the facts regarding Dr. Ziadeh's activities, facts that are spelled out in USCIS's own letter.

As the letter outlines, shortly after the outset of the Syrian civil war in 2011, Dr. Ziadeh organized a series of working groups to develop a plan for Syria to transition to democracy following a hoped-for end to the conflict. The Syrian Coalition for Opposition and Revolutionary Forces, which included representatives of the Syrian political opposition as well as Syrian opposition groups engaged in armed conflict with the Assad regime (including groups that had received lethal and non-lethal aid from the U.S. government), was asked to select members to take part in these working groups. Their travel and expenses to attend two international conferences, which took place in Istanbul, were paid for by Dr. Ziadeh's organization through a grant provided by the Canadian government, through a state-funded international development organization. The meetings themselves were attended by U.S. government personnel, as well as European diplomats. It was on the basis of these conference invitations and travel funds, provided to working group participants who were members of the Free Syrian Army and the Syrian Muslim Brotherhood—which the Asylum Office deemed undesignated (or "Tier III") terrorist organizations under the Immigration and Nationality Act—that the Asylum Office determined that Dr. Ziadeh had provided material support for terrorism, and denied his application for asylum. On the basis of this finding the Asylum Office also judged him ineligible for any status in the United States.

The U.S. government's denial of Dr. Ziadeh's asylum claim on the basis that his work organizing conferences to plan for a democratic transition after the end of the Syrian civil war amounted to "material support" to terrorists is perverse. The Asylum Office found that the work of the conferences and workshops Dr. Ziadeh convened included information dissemination on the role of the security apparatus in a democracy and "develop(ing) a code of ethics that required all members [to] respect international human rights law and the Geneva conventions." Accordingly, the activities Dr. Ziadeh supported were clearly intended to build respect for human rights and international law in a future democratic Syria. The groups for which Dr. Ziadeh is alleged to have provided material support were not, and are presently not, designated terrorist groups by the Department of State. On the contrary, they are "Tier III" undesignated groups under 8 U.S.C. § 1182, meaning that the U.S. government does not treat them as terrorist groups in any context except, apparently, this one. Indeed, as noted, one of the groups, the Free Syrian Army, has received both lethal and non-lethal aid from the U.S. government. Importantly, as the Asylum Office notes in its letter, Dr. Ziadeh and his fellow organizers did vet possible invitees to ensure that they had not encouraged or engaged in sectarian violence. Any that were found to have done so were excluded.

The idea that convening meetings to engage in dialogue on how to build a new government based on respect for human rights after a political transition was achieved in Syria could be construed as material support for terrorism is an infringement on freedom of association, and the freedom to impart and receive knowledge. Dr. Ziadeh has worked tirelessly for years to draw attention to the ongoing violations of human rights in his country, provide policymakers and civil society with an informed perspective, and bring together individuals and groups to try to find solutions. He is an upstanding individual who has used the freedom and safety that are the foundations of our democracy to stand up against terror, defend human rights, and assist U.S. policymakers and diplomats in their efforts to bring the Syrian civil war to a peaceful end.

The decision to deny Dr. Ziadeh asylum for "material support" for undesignated Tier III groups under the Immigration and Nationality Act also raises the specter that other dissidents could be excluded on the basis of similar activities. Those who work on planning for democratic transitions after armed conflicts must engage with some of the parties to those conflicts. By definition, some of those parties will include armed wings and factions. If convening and educating such parties on matters including democracy, human rights, and international law can be construed as an act of terrorism, peacebuilding efforts around the world will be grievously encumbered. In this case, Dr. Ziadeh engaged with members of opposition groups in Syria with the purpose not of furthering terrorism but encouraging them to prepare for a democratic transitional government. For that, he is potentially facing death were he forced back.

We urge the Subcommittee to investigate why the Asylum Office issued this unfortunate Notice, and to express its support for Dr. Ziadeh's application for asylum. Dr. Ziadeh must be allowed to continue his human rights and peacebuilding work in safety in the United States. Equally critical, we ask the Subcommittee to ensure that DHS does not continue to interpret the statute in such an expansive way that uses human rights activists' legitimate advocacy activities as grounds to deny them the protection of our refugee laws.

Please do not hesitate to contact Gabe Rottman, PEN America's Washington director, at grottman@pen.org or 202-808-3514 with any questions.

Sincerely,

Freedom House
Human Rights First
Human Rights Watch
Middle East Studies Association
PEN America
Refugees International
Scholars at Risk