

THE ETHICS & RELIGIOUS LIBERTY COMMISSION

OF THE SOUTHERN BAPTIST CONVENTION



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The Trouble with TRIG

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Our country is very generous toward those who seek the safety of our borders. We accept thousands of refugees and asylum seekers every year. This is impressive and all who have helped our nation achieve this deserve our appreciation, thanks, and congratulations.

While we have done well as a nation, we still have significant impediments in the system that are putting people at serious risk and creating unnecessary hardship for thousands of others. More must be done for those looking to us for protection and rescue.

Refugees and asylum seekers are subjected to intense scrutiny by our government to determine such matters as the validity of their circumstances and their potential as threats to national security. They can be denied admission to the United States on a number of grounds, most of which are valid. However, one bar to admission is especially faulty. That bar deals with a person's connection to terrorism.

Under this bar, people seeking refugee or asylum status to gain admission to the United States are investigated and questioned about any involvement they might have had with terrorists. The information is compared to a set of standards to determine whether or not the applicant is guilty of having consorted with terrorists. If so, the person is denied admission to the United States. These standards are known as "Terrorist-related Inadmissibility Grounds" (TRIG).

The problem with the standards that comprise TRIG is that they are too insensitive to the realities of life of many people who are legitimate candidates for admission to this country. In principle, a terrorism bar is necessary. We must have a way to screen for those who are engaged in terrorist activity. They should not be admitted to our country. In practice, however, the standards that are being used to prevent terrorists and their helpers from using this humanitarian program from entering the U.S. are causing unnecessary hardship for thousands of people who are clearly not terrorists.

The grounds for inadmissibility under the terrorism bar are broad. They can apply to people who were directly engaged in horrific acts of terrorism and to people who provided material support, e.g., housing, food, and the like, for others who engaged in these acts. Further, the grounds are so vague that thousands of people are currently held in what is the equivalent of indefinite limbo while someone tries to figure out what to do with them. Many others are wrongfully denied admission to our country as a result. These people are essentially being denied the protections our nation's refugee and asylum laws were written to provide for them.

We need a screening process that helps us prevent terrorists and their helpers from entering our country, but clearly the current program needs some crucial fine tuning. Here are four reasons.

First, the current application of TRIG is insensitive on spiritual grounds. The Bible in both Testaments clearly requires truth-telling. Leviticus 19:11 and Ephesians 4:25 tell the faithful not to lie to one another. Other faiths have similar requirements. Some people have found themselves afoul of TRIG because they felt compelled for conscience sake to tell the truth about their activity with terrorist groups. Silence might have been the safer course of action, but obedience to their faith dictated truthfulness. For some of them, truthfulness about activity that is no longer even part of their lives has led to years of anguish or even denied admission to the U.S.

In other instances, simple expressions of Christian love can be cause for rejection. For example, in Matthew 10:42, Jesus told His disciples, "whoever in the name of a disciple gives to one of these little ones even a cup of cold water to drink, truly I say to you, he shall not lose his reward." Such a simple humanitarian act as providing water for a member of the wrong group, or even the children of such a member, can keep someone out of this country on the grounds that he or she provided material support voluntarily to a member of a terrorist group.

The teachings of Jesus in the Sermon on the Mount add to the difficulty of avoiding the trap of TRIG. In the sermon, Jesus declared, "If anyone forces you to go one mile, go with them two miles" (Matthew 5:41). Jesus was referring to the Roman practice of forcing non-citizens to serve as guides or porters. He instructed His disciples to do as they are told, even more than is required. TRIG in its current form punishes such obedience to Christ. Someone who, in obedience to Jesus, did more than was required would be in violation of the terrorism bar. In the very next verse, Jesus told His disciples, "Give to the one who asks you, and do not turn away from the one who wants to borrow from you" (Matthew 5:42). Again, complying with a request from a member of the wrong group could result in the faithful disciple being accused of providing material support to a terrorist group, not because he or she supports what that group is doing, but simply out of a desire to obey Christ in all things.

Second, the current application of TRIG is insensitive on social grounds. Currently, TRIG is keeping some family members separated needlessly. In some instances spouses have been separated for years. In other instances, children have been separated from a

parent for years. This is not good for that family or for society. God invented the family. He knew what it took for people to fully develop and for cultures to remain vibrant. As families go, so go cultures. The standards of TRIG must be made more sensitive to the hardship they place on families. I cannot imagine being forcefully separated from my wife for weeks, much less years. I cannot imagine not being able to participate directly in the development of my children. Yet, TRIG is creating these very problems for people.

Some will likely argue that TRIG is not affecting enough families to create significant hardship on society. Seen in isolation, I would agree. Yet, no one can deny that our society is already reeling from the impact of dysfunctional families. We certainly do not need to add to that burden so unnecessarily. In addition, we should recognize the value of every person within society. While the significant hardship created by TRIG on a relatively small number of families might not be statistically relevant, it is certainly relevant to those families. Those affected people are being denied access to the family structures that can help nurture them. Consequently, their lives are made more difficult. Should this added burden prevent them from reaching their full potential, society likely loses out as well, as these affected people fail to offer to society all that they are capable of offering.

Third, the current application of TRIG is insensitive on common sense grounds. In some instances, TRIG actually punishes those who fought against the dictators we ourselves once opposed. People who have opposed Saddam Hussein, the Soviet invasion of Afghanistan, the genocidal regime in Sudan, and other terrible situations have found themselves unwelcome by our government due to the inflexible, overly broad application of TRIG. This is surely the height of heartlessness and hypocrisy. Incredibly, TRIG does not take into consideration intent, level of support, or type of regime opposed. It has even been used to deny asylum to victims of terrorist extortion in Nepal and women raped and enslaved by militias in Liberia.

Fourth, the current application of TRIG is insensitive on practical grounds. I understand the need to keep our citizenry safe from those who want to do us harm. I fully support that desire. I want to make sure our country remains secure. I am indebted to those who make sure that we are safe here at home. Yet, surely as we make certain our citizens are safe at home, we need not close our doors to others who live in fear every day for their lives or their loved ones' wellbeing as they are being held in limbo in an insensitive, bureaucratic morass.

The application process for admittance to this country as a refugee or for asylum is arduous and penetrating. It is the least likely approach a terrorist would consider. There are much easier ways to gain entrance—crossing our southern border or merely jumping ship, for example. On practical grounds, probably the only people TRIG is catching are the people who are willing to tell the truth about their previous behavior because they do not consider it to be relevant to their current situation. A terrorist isn't likely to willingly divulge any information that would potentially bar him or her from entrance.

To be clear, I am not calling for the elimination of TRIG's standards. I believe we must remain vigilant in our efforts to screen those who want to enter our country. There really are people around the world who desire to do us as much harm as they possibly can. These people must be stopped. TRIG's standards help, but they are clearly in need of revamping. In some instances, Congress has provided solutions, but they are not being implemented. In other instances, solutions have not yet even been introduced. These shortcomings must be corrected.

Today, thousands of good people around the world are being persecuted and worse. These men, women, and children are living in fear for their lives and livelihoods every day. We can rejoice that many thousands have found shelter and the chance for a better life here in our great nation. However, many are living in limbo, and have been for years, as they wait for their paperwork to clear another of what appears to be an endless lane of hurdles and confusing rules. Meanwhile, a well-meaning but insensitive system meant to bar their tormentors is actually doing the work of their tormentors for them. This can be changed. And for the sake of those who rightly see this nation as one of humanity's brightest lights, it must be changed.